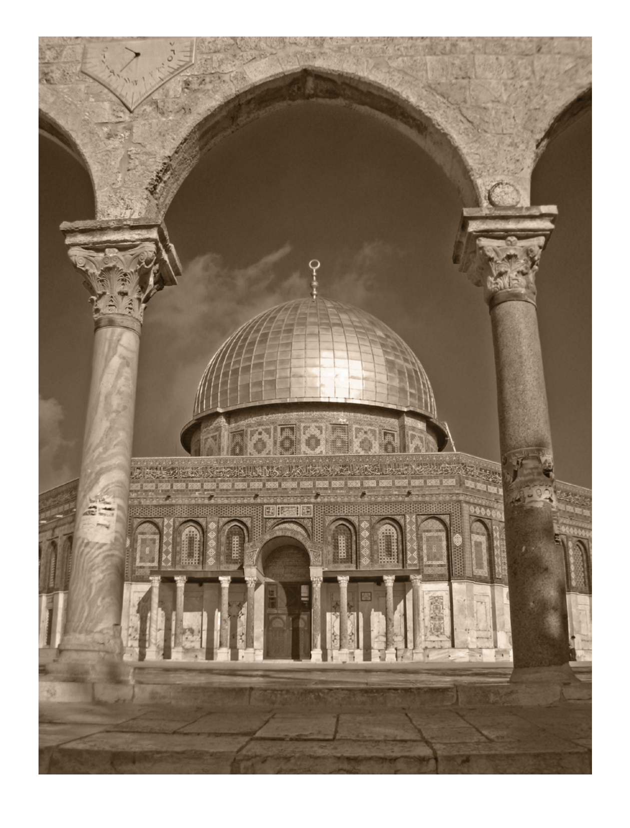
KEYS TO JERUSALEM



THE ROYAL ISLAMIC STRATEGIC STUDIES CENTRE
2010 · Jordan
ENGLISH SERIES - BOOK 8

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INTRODUCTION

This book seeks to provide a brief overview of the history and religious significance of the Holy City of Jerusalem as a background to understanding the current legal and political status of the city. Its rich history, its location as meeting-point between the three continents of Asia, Africa and Europe, and its spiritual wealth make Jerusalem — which literally means 'city of peace'— a unique microcosm for the interplay of the world's civilizations and religions. For Sophronius, the 7th century Greek Orthodox Patriarch of Jerusalem, the Old City was the "splendid sun of the world"[1]. Described in the Holy Qur'an (17:1) as the land whose surroundings God "blessed", the area between the Jordan and the Mediterranean was — for a large portion of its history — called 'Palestine', the south-western part of the biblical Land of Canaan. Today, the mere mention of "*Al-Quds*", one of the city's Arabic names, conjures up a flood of emotions and longing for the holy sites within the confines of the Old City.

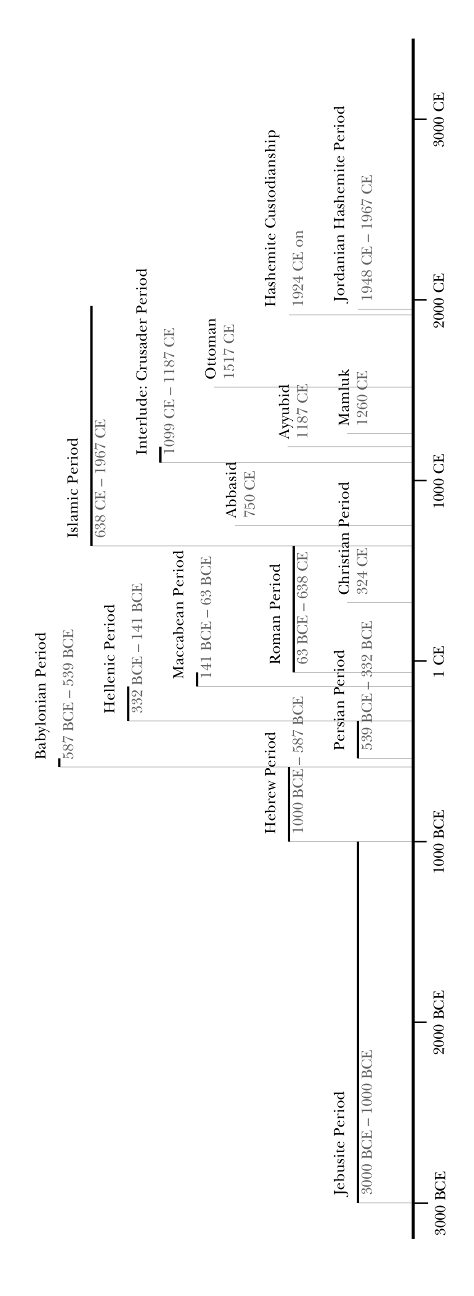
Jerusalem was the dwelling place of many of God's Prophets: it is where Abraham was called upon to sacrifice Isaac (in the Bible), where David and Solomon reigned, where Jesus dwelled and ascended to Heaven and where Muhammad was called for *Al-Mi'raj* — his nocturnal ascent to Heaven. It has become common practice to politicize the sacred city but it remains, above all else, unutterably holy to Muslims, Christians and Jews.

While its iconic skyline is adorned with crescents, crosses, and stars of David, facts on the ground tell a less enchanting story. Today, the city's holiest sites and its inter-religious harmony remain under threat due to the ongoing Arab-Israeli conflict and unilateral actions. Through the institutionalization

of International Law the world has taken strides towards safeguarding the integrity and sovereignty of nations, the 'City of Peace', however, remains an exception as it cannot attain true peace unless its sacred monuments are protected and its authenticity preserved.

Jerusalem's situation as a focal point for political and religious conflict often trumps its sacred and peaceful character. Only when the historical and religious sanctity of the city is respected and its integrity is safeguarded can Jerusalem finally live up to its promise as the key to peace in the Middle East. Jerusalem's history has fuelled a long dispute over the city's future and has rendered it a vital but unresolved question in Middle East politics; one that has the potential to serve as a flashpoint for regional — and even global — religious war, if left unaddressed. Understanding the case for Jerusalem has never been more pertinent: today the legal and political ramifications regarding the status of the Holy City hold the very keys to shaping the future of the world as we know it.

Historic Timeline of Jerusalem



PART ONE
HISTORICAL OVERVIEW OF JERUSALEM

Jebusite Founding: 3000–1000 BCE

According to the Hebrew Bible, the original inhabitants of the land of Palestine (in which Jerusalem is situated) were 'the Canaanites':

> *And say, this is what the Lord has said to Jerusalem: Your start and your birth was from the land of the Canaanite; an Amorite was your father and your mother was a Hittite.*
>
> (Ezekiel, 16:4)

In the Book of Genesis, the Jebusites are described as one of the branches of the Canaanites:

> *Canaan was the father of Sidon his firstborn, and of the Hittites, Jebusites, Amorites, Girgashites, Hivites, Arkites, Sinites, Arvadites, Zemarites and Hamathites - later the Canaanite clans scattered and the borders of Canaan reached from Sidon toward Gerar as far as Gaza, and then toward Sodom, Gomorrah, Admah and Zeboiim, as far as Lasha - these are the sons of Ham by their clans and languages, their territories and nations.*
>
> (Genesis, 10:15-20)

It was these Jebusites who inhabited and built Jerusalem (known as 'Jebus' in the Book of Kings) in the land of the Canaanites in 3000BCE. The Hebrews, though, were to destroy the original inhabitants of Palestine and take over the land:

> *When the LORD your God brings you into the land where you are entering to possess it, and clears away many nations before you, the Hittites and the Girgashites and the Amorites and the Canaanites and*

the Perizzites and the Hivites and the Jebusites, seven nations greater and stronger than you. And when the LORD your God delivers them before you and you defeat them, then you shall utterly destroy them. You shall make no covenant with them and show no favor to them.

(Deuteronomy, 7:1-2)

However, in the Book of Joshua, it is recorded that the Hebrews were unable to destroy the Jebusites and that the Jebusites thus remained in Jerusalem:

Judah could not dislodge the Jebusites, who were living in Jerusalem; to this day the Jebusites live there with the people of Judah.

(Joshua, 15:63)

Indeed, modern-day Palestinian families such as the prominent Kanaan household are direct descendants of the Canaanites (many of whom were practicing Judaism in the very earliest years of Christianity) making them, and other such Arab Muslim and Christian families the centuries-old indigenous inhabitants of the ancient land[2].

According to the Hebrew Bible, Canaanite Arabs were thus the original inhabitants of Palestine 2000 years before the Hebrews ever came there for the first time, and these same Arab Palestinians are still there today after 5000 years. In fact, it is not possible to understand the Old Testament without studying ancient Palestinian history. [3]

Rule of the Hebrews: 1000–587 BCE

We cited earlier from the Book of Deuteronomy (7:1-2) how the Hebrews were to move into Palestine by force. The Book of

Joshua describes this in detail:

> *Joshua said to the people of Israel, "The Lord has given you the city of the all silver, and gold, and vessels of brass and iron, are consecrated unto the Lord: They shall come into the treasury of the Lord. The people utterly destroyed all that was in the city, both man and woman, young and old, and ox and sheep, and ass, with the edge of the sword.*
>
> (Joshua 6:21-23)

> *Now it came to pass when Adoni-Zedek king of Jerusalem heard how Joshua had taken Ai and had utterly destroyed it .*
>
> (Joshua 10:1)

> *Therefore the five kings of the Amorites, the king of Jerusalem, the king of Hebron, the king of Jarmuth, the king of Lachish, and the king of Eglon, gathered together and went up, they and all their armies, and camped before Gibeon and made war against it….*
>
> (Joshua 10:5)

> *Then it happened, while Joshua and the children of Israel made an end of slaying them with a very great slaughter, till they had finished, that those who escaped entered fortified cities.*
>
> (Joshua 10:20)

> *Then Joshua said, "Open the mouth of the cave, and bring out those five kings to me from the cave." / And they did so, and brought out those five kings to him from the cave: the king of Jerusalem, the king of Hebron, the king of Jarmuth, the king of Lachish, and the king of Eglon. / So it was, when they brought out those kings to Joshua, that Joshua called for all the men of Israel, and said to the captains of the men of war who went with him, "Come near, put your feet on the necks of these kings." And they drew near and put their feet on their necks. / Then Joshua said to them, "Do*

not be afraid, nor be dismayed; be strong and of good courage, for thus the LORD will do to all your enemies against whom you fight." / And afterward Joshua struck them and killed them, and hanged them on five trees; and they were hanging on the trees until evening.

(Joshua 10:22-26)

And he took it and its king and all its cities; they struck them with the edge of the sword and utterly destroyed all the people who were in it. He left none remaining; as he had done to Hebron, so he did to Debir and its king, as he had done also to Libnah and its king. / So Joshua conquered all the land: the mountain country and the South and the lowland and the wilderness slopes, and all their kings; he left none remaining, but utterly destroyed all that breathed, as the LORD God of Israel had commanded.

(Joshua 10:39-40)

The Hebrew domination of the land of Canaan began with the reign of three kings: Saul, David and Solomon. Saul is credited with uniting different tribal groups from the peripheries of the Holy Land and the Negev, and is recognised as the first king of the united kingdom of Israel. David, his son-in-law, then seized the city from the Jebusites and established Jerusalem as the capital of Israel. His son Solomon built the temple in 957 BC. Despite this, as cited earlier, the Jebusites remained in Jerusalem:

As for the Jebusites, the inhabitants of Jerusalem, the children of Judah could not drive them out; but the Jebusites dwell with the children of Judah at Jerusalem to this day.

(Joshua, 15:63)

So David acknowledged the Jebusites in priestly positions and enrolled them among his troops and secured their popular support.

The united kingdom had weakened toward the end of Solomon's reign, and under his son Rehoboam it split into the Northern Kingdom of Israel and the Southern Kingdom of Judea, whose capital was Jerusalem. The Assyrians then conquered Israel in 722 BCE forcing many of the Hebrews to move to Judea. It was not until 587 BCE that Judea fell, not to the Assyrians, but to the Babylonians. The Babylonians, who were led by Nebuchadnezzar, invaded the Holy Land and destroyed the Temple. (Ezra 5:12-18). Thus concluded the 400-year reign of the Hebrews in Jerusalem. In fact, including the Hasmonean and Maccabean periods, and the interrupted period of relative autonomous rule under the early Roman emperors, Jerusalem has seen Hebrew control for less than 500 years — 10% of the total time of the city's history.

Babylonian, Persian, Hellenic, Hasmonean and Roman Periods: 587 BCE–324 CE

According to the Hebrew Bible, the Babylonian invasion of 587 BCE ended the longest period of unbroken Hebrew rule in the city. The Babylonians were then succeeded by the Persians in 539 BCE, who allowed the Hebrews to return and rebuild the Temple, but not to have any political control over the city. By then, Jerusalem was being governed by its native people — the native Jebusite and Canaanites Arabs[4].

After Persian rule, the religious identity of the city weakened under the oft-changing rulers of Jerusalem, beginning with Alexander the Great, who became ruler in 332 BCE. Alexander's successors, the Ptolemies of Egypt and the Seleucids of Syria,

continued to rule the Holy Land. The Seleucids succeeded in imposing Hellenistic culture on the region; from Egypt to today's Afghanistan. From 141-63 BCE, after the revolt of the Maccabee brothers, the Hasmonean dynasty ruled in Jerusalem. The Roman Period (63 BC–324 CE), began with the arrival of General Pompeii in 63 BC, and during that paganism continued alongside Judaism. During this period, King Herod the Great, who was appointed as a Jewish king allied to the Roman Empire, restored and enlarged the Second Temple in Jerusalem (50–37 BCE). During King Herod's period, Jesus was born in Bethlehem:

> *When they had gone, an angel of the Lord appeared to Joseph in a dream. "Get up," he said, "take the child and his mother and escape to Egypt. Stay there until I tell you, for Herod is going to search for the child to kill him".*
>
> (Matthew, 2:13)

According to Matthew 24:2, Jesus spoke thus to the disciples as he was leaving the Temple in Jerusalem:

> *"Verily I say unto you, there shall not be left here one stone upon another that shall not be thrown down".*

Jesus predicted a similar fate for Jews in Luke 19: 43-44. In CE 70, the Second Temple was destroyed by the Roman Emperor Titus, when he crushed a rebellion by the Jewish Zealots; a rebellion that was considered fanatical and self-destructive by most of the Jewish elite and by the original Jewish followers of Jesus. The prophecy came true: *"no stone was left upon another"*.

Christian Period: 324–638 CE

The Christian (Byzantine) Period (324–638 CE) witnessed the political triumph and recognition of Christianity as the

established religion. It was by now completely distinct from Judaism and its strength was growing throughout the Empire. Queen Helena and Emperor Constantine dismantled all pagan symbols and built tens of churches, including the Church of the Holy Sepulcher in Jerusalem and the Church of the Nativity in Bethlehem. However, in 614 CE, the Persians captured Jerusalem again, massacred thousands of its Christian inhabitants and plundered and destroyed its churches. Fourteen years later, Heraklius, Emperor of Byzantium, drove the invaders out and recovered the land and the city wreaking a terrible vengeance on the Jews for helping the Persians[5]. The Jews, who were persecuted by Christian Byzantium and had been banished during this period from Jerusalem, welcomed and supported the Muslim conquest of 638 CE. By the end of the seventh century CE, the land that cradled the Holy City of Jerusalem was a predominately Arab and Islamic nation, though Jerusalem itself would contain large Christian and Jewish communities living safely under Muslim rule.

The Islamic Era: 638–1967 CE

After the passing of the first Caliph Abu Bakr in 634 CE, Omar bin Al-Khattab was nominated leader of the Muslim community. A great commander and political visionary, Omar sanctioned a struggle against the Byzantines, leading to the decisive Battle of Yarmouk — which led the Arabs to the walls of Jerusalem in 638 CE. After a prolonged siege, the Patriarch of Jerusalem, Sophronius offered to surrender the city, but only to the Caliph Omar himself. He trusted Omar and knew that the welfare of the Christian community in Jerusalem would be safeguarded under Omar. In an age when conquest was often

characterized by intolerance as well as cruel massacres towards a conquered community, the terms of surrender were generous and humane, as can be seen in the famous Pact of Omar:

> In the Name of God, the Compassionate, the Merciful. This is what the slave of God, Omar ibn Al-Khattab, the Emir of the believers, has offered the people of Aelia (Jerusalem) of security granting them protection for their selves, their money, their churches, their children, their lowly and their innocent, and the remainder of their people. Their churches are not to be taken, nor are they to be destroyed, nor are they to be degraded or belittled, neither are their crosses or their money, and they are not to be forced to change their religion, nor is any one of them to be harmed.[6]

In the Holy Land, Caliph Omar's first priority was to identify the places hallowed by the Prophet Muhammad's *Al-Isra' wal-Mi'raj* — his miraculous nocturnal journey from Mecca to Jerusalem and his ascension to the Heavens. It is on that journey that the Prophet Muhammad received the command to establish five daily prayers as a pillar of the Muslim faith, and led all the prophets of God, including Jesus and Moses, in prayer. Omar asked Sophronius to take him to the site of the *Al-Isra' wal-Mi'raj,* which is near the site of the Temple originally built by Solomon, and there he established the *Al-Haram Al-Sharif* (the Noble Sanctuary). Omar personally directed the clearance and purification of the site, which the Byzantines had turned into a garbage heap. Omar then led the Muslims in prayer on a spot to the south of what would become the site of Jerusalem's iconic Dome of the Rock — approximately where the Magharbeh

Mosque now stands. He also ordered that the Al-Aqsa Mosque be built on the very place where the Prophet Muhammad had led the other prophets in prayer, close both to the Rock of the Prophet's Ascension to the Heavens (the *Mi'raj*) and to the Buraq Wall (the western wall[7]) of *Al-Haram Al-Sharif* where the Prophet, according to Muslim tradition, escorted by the Angel Gabriel, had tethered his steed (called *Al-Buraq*) in his *'Isra* or Night Journey to Jerusalem.

Under the Umayyad Caliph AbdelMalik bin Marwan, the Al-Aqsa Mosque was rebuilt and expanded with the golden Dome of the Rock, which has come to symbolize the Holy City, being completed in 691 CE.

Jerusalem remained central in its importance to the Abbasid Caliphs and the Fatimids, the dynasties that followed the Umayyads as rulers of the Islamic empire, and the city became a hub for spiritual as well as religious scholarly life for Muslims throughout the empire.

In 1099 CE, the first Crusaders invaded Palestine and proclaimed their Latin Kingdom of Jerusalem. The devastation they caused is well-documented. Benvenisti, writes that the Crusaders,

> drunk with victory, conducted a massacre in the city such as has seldom been paralleled in the history of war; the troops ran amok through the streets of the city, stabbing everyone they encountered; a few thousand people, remaining from a population which had numbered 40,000 were assembled near the gates and sold as slaves. The massacre aroused terror among the Crusaders themselves.[8]

The Crusaders continued to control Jerusalem until 1187

CE, when the Muslim leader Salah Al-Din Al-Ayyubi — known in the West as '*Saladin*' — recovered Jerusalem following his decisive victory over the Crusaders in the Battle of Hittin. The re-conquest of Jerusalem could hardly have contrasted more with the way the Crusaders had taken the city.

> One the fighting had stopped, not a single Christian was harmed by the victorious troops. Emirs and officers patrolled the streets to prevent outrages against property or person.... It is not surprising that Christian chroniclers and citizens alike blessed the name of Saladin for their lives. [9]

Immediately after Salah Al-Din's recovery of the Holy City, an extensive restoration of *Al-Haram Al-Sharif* took place with countless endowments established for many of its buildings and public areas for the service of Muslim pilgrims. A number of North African (Maghribi) pilgrims soon settled in Jerusalem and it was to these North African sojourners that Salah Al-Din's son, the Sultan Al-Afdal bin Salah Al-Din, endowed as a *Waqf*, a religious trust, the area next to the Buraq Wall — what the Jewish community today refers to as 'the Western Wall' — in 1193. Ever since then, the area has been known as the *Magharbeh* (or Moroccan) Quarter.

Ayyubid rule was followed by that of the Mamluks, an elite Muslim military corps of slave origin that had ended Ayyubid rule and taken power. Under the direct rule of the Sultan in Cairo, Jerusalem flourished. The majority of madrassas (schools), ribats (hostels), sabils (water fountains) and bazaars in and around *Al-Haram Al-Sharif* today date back to this period.

To the north, the Ottomans conquered Constantinople in

1453, the capital of the Eastern Christian empire of Byzantium, as well as all the territories of that empire. During the reign of Mamluk Sultan Al-Ashraf Al-Ghuri, rule over Jerusalem was eventually handed over to the Ottoman Sultan Selim I:

> 'Thanks be to God!' he shouted at its gates, 'I am the possessor of the sanctuary of the first *Qiblah*',[10]

Selim was referring to one of the major aspects of Jerusalem's unique status in Islam, as the first direction of prayer for the Prophet and his community before Mecca was established as the definitive *Qiblah*.

The transition of power to the Ottomans was welcomed by Jerusalem's dwellers, especially since endowments had lapsed and travelers on roads to the city were being terrorized by bandits. The Ottomans sought to retain the city's Islamic identity, as well as its cultural and religious centrality, through the establishment of various new *sufi* monasteries and schools. With control over the major Muslim cities of Damascus and Mecca, the contributions of Suleiman the Magnificent to Jerusalem were considerable: he renovated the Dome of the Rock; wholly reinforced the walls of the city and during his rule, the city market became a center for trade.

The turn of the 18th century saw the beginning of the slow decline of the Ottoman Empire and the rise of the European powers to the West. To offset the British acquisition of India, Napoleon sought to challenge competing Western influence in the east by conquering Egypt. With Cairo as his base of operations Napoleon dispatched 13,000 French troops to Palestine in 1799 CE and defeated the Ottoman army. But his

efforts to spread "liberté" were not welcomed by the Arabs, and his efforts to establish the emerging French empire in Palestine quickly waned. The Ottomans, who would in the proceeding century lose almost all of their European territories, still held on in much of the Arab world and Anatolia, until the First World War, when they were finally defeated by British forces.

Jewish and Zionist Immigration: 1850 CE onwards

The middle of the nineteenth century witnessed the first extensive waves of Jewish immigration to Ottoman Jerusalem. Until then the relatively small Jewish community in Jerusalem was generally religiously, rather than politically, motivated. For many in that community the objective was to pray at the Buraq / Western Wall on behalf of the Jewish communities in Europe, Asia and the Americas, who sustained the Jewish Jerusalemites with charity. These communities were not encouraged to immigrate to Palestine by what then was the predominant Orthodox Jewish belief which opposed any attempt to significantly settle in Palestine. Resettlement would be solely the accomplishment of the awaited Messiah and the Jews were to do nothing to 'hasten' his appearance. But the Zionist movement, intent upon ultimately imposing a Jewish state and whose goal was to establish a national home for the Jews, encouraged immigration to Palestine. The movement began planning for the settlement and eventual occupation of Palestine in 1897 CE at the First Zionist Congress in Basel, Switzerland which formally established the World Zionist Organization. This organization was determined to mobilize the western powers to support the settlement of Jews in Palestine in a manner that the Zionist movement knew, if not necessarily publicized, would inevitably lead to the forced

displacement of most of the local Arab population.

In 1917 CE British Foreign Secretary Lord Arthur James Balfour issued the Balfour Declaration promising the establishment of a Jewish national home in Palestine. Shortly after, British forces occupied Palestine and General Allenby entered Jerusalem. Allenby guaranteed that the Holy Sites would remain under the custodianship of the followers of each religion. The boundaries of two new states were laid down within the territory of the Mandate, the British-administered Palestine and an autonomous Transjordan.

In addition to creating settlements in Jerusalem, Jewish immigrants expanded their presence at the Buraq Wall, which is an integral part of the 500-meter-long western wall of *Al-Haram Al-Sharif*, where the Muslims had allowed Jews to pray. In 1922, a *Status Quo* Agreement issued by the British Mandate authority forbade Jews to lay claim to ownership or control of this site, or to install anything that would enhance it or obstruct it, because it was clearly part of a Muslim endowment and the passageway along the Wall, coming from south to north, was used by the Muslim inhabitants of the Magharbeh Quarter.

In 1928, the British District Commissioner of Jerusalem acceded to an Arab request to implement the ban. This culminated in the placement of a British officer at the Wall to make sure that Jewish worshippers neither transgressed their allocated space nor brought in furniture or anything else that might alter the status quo. Arabs were concerned that the Jews were trying to extend their rights at the Wall with the ultimate aim and intention of taking possession of *Al-Haram Al-Sharif*. Such concerns were not completely out of place. The allocated "Wailing Wall" for Jewish worship during the Ottoman period

was 22 meters long and 3 meters high, but Israel would later extend it to become 68 meters long and 65 meters high.[11]

The Jewish encroachment on Muslim prayer sites led to riots on different occasions during the 1920s. Such clashes led the British Mandate to form a commission in 1930 with the approval of the Council of the League of Nations, to determine the rights and claims of Muslims and Jews in connection with the Buraq section of the western wall of *Al-Haram Al-Sharif*. The report concluded:

> To the Muslims belong the sole ownership of, and the sole proprietary, right to, the western wall, seeing that it forms an integral part of *Al-Haram Al-Sharif* area, which is a *Waqf* property. To the Muslims there also belongs the ownership of the pavement in front of the wall and of the adjacent so called Magharbeh Quarter opposite the wall, inasmuch as the last mentioned property was made *Waqf* under Muslim *Shari'ah* law, it being dedicated to charitable purposes.[12]

Consequently, a certain part of the Jewish population turned to violent acts against the British authorities and against the native Arab civilians. These included terrorist attacks such as the bombing of the King David Hotel on 22 July, 1946 which killed 91 civilians. The group which carried out the attack, the *Irgun*, was headed by Menachem Begin, who went on to become Prime Minister of the State of Israel. Another man who headed a terrorist organization (the *Stern Gang*) and went on to become Israeli prime minister was Yitzhak Shamir. Such men were responsible for massacres like the Deir Yassin massacre on April 9th 1948 in which Israeli militias killed 254 unarmed Palestinian

villagers in the course of a few hours[13].

The Population of Historic Palestine

In 1922, the British Census put Palestine's population at 752,048 with approximately 589,177 Muslim Arabs, 71,464 Christian Arabs and 83,790 Jews. Most of the pre-1948 Jewish immigration and settlement was facilitated during the British Mandate period when more than 400,000 Jews immigrated to Palestine between 1920 and 1945. The Jewish community grew from one-sixth to almost one-third of the population. Immigration accounts for most of the increase in the Jewish population at that time, while the much less dramatic increase of the non-Jewish population was due to high birth rates.[14]

As a result of the Arab Palestinian revolt of 1936 and the protest against Jewish immigration to Palestine, the British government issued the MacDonald White Paper, a document that sought to restrict Jewish immigration and land acquisition in Palestine. Nevertheless, Zionist organizations succeeded in increasing the number of Jews in Palestine to about 630,000 by 1948[15].

The Second World War led to further Jewish immigration to Palestine and Jewish-Arab confrontation broke out again between the years 1946–48, during which underground Jewish militias killed 3,650 Palestinian Arabs.[16]

Other estimates of population growth in historical Palestine are as follows:

Year	Arabs [Muslims and Christians]	Jews &others	Total
1922	673,400 (88.9%)	83,800 (11.1%)	757,200
1931	860,800 (83.1%)	175,000 (16.9%)	1,035,800
1946	1,255,700 (68.4%)	579,200 (31.6%)	1,834,900
2008	5,700,000 (49.2%)	5,886,300 (50.8.%)	11,586,300

Source: Statistical Yearbook of Jerusalem, 2009
online edition http://jiis.org/.upload/web%20C0109.pdf

Hashemite Custodianship: 1924–1967 CE

The Hashemite historic role in safeguarding and protecting East Jerusalem had been established by Sharif Hussein bin Ali in 1924 under the pledge of *Bay'at Ahl ul-Quds,* an allegiance that the residents of Arab Palestine pledged to the Hashemite House, who would protect the Sites and people of the sacred city by virtue of their being successors over the Islamic body politic, the Muslim *Ummah.* (See: Annex III: The *Khilafah* Allegiance to His Majesty Sharif Hussein bin Ali in 1924)

When the Ottoman Islamic Caliphate officially ended in November 1922, the Arabs of Syria, Jordan, Lebanon and Palestine had searched for a *de jure* Caliph, and it was thus that both the Hashemite Emir Abdullah bin Al-Sharif Hussein bin Ali (later King Abdullah I) and the Palestinian Hajj Amin Al-Husseini were the first two figures to pledge *Bay'ah* to Sharif Hussein bin Ali in the town of Shunah in the Jordan Valley on March 11, 1924. By then, dignitaries from neighboring Arab states journeyed to Amman to express loyalty and *Bay'at al-Khilafah* to Sharif Hussein, King of the Arabs and Leader of the Great Arab Revolt against Ottoman rule[17].

Thus according to the *Bay'ah,* the Holy Sites of Jerusalem are still principally and legally under the suzerainty and

custodianship of the Hashemites (since it was excluded from the 1988 disengagement decision of Jordan from the West Bank.) As a proclamation of the Arab position on Palestine, King Abdullah I of Jordan identified the consequences of Zionist ambitions in Palestine. In a declaration he addressed to the American people in November 1947, King Abdullah I disputed the mistaken view that Arab opposition to Zionism is due to longstanding religious or ethnic hatred, especially since Jews and Muslims enjoyed a long history of peaceful coexistence in the Middle East:

> No people on earth have been less ‘anti-Semitic’ than the Arabs ... Jews, themselves, will admit that never since the Great Dispersion did Jews develop so freely and reach such importance as in Spain when it was an Arab possession. With very minor exceptions, Jews have lived for many centuries in the Middle East, in complete peace and friendliness with their Arab neighbors. [18]

King Abdullah I’s declaration posed a pertinent question regarding the legitimacy of Jewish claims over historic Palestine and the Holy Sites of Jerusalem, especially when, historically, Jews have suffered far more from the persecution of Christian Europeans than from Arab resistance to the establishment of Israel. It is unfair, he argued, to make Palestine, which is innocent of anti-Semitism, pay for the crimes committed during the Holocaust. King Abdullah I echoed the livid voice of Muslims worldwide upon questioning how Jews can claim a historic right to Palestine, when Muslims have been the overwhelming majority there for nearly 1300 uninterrupted years.

Despite regional and global efforts to keep the settler-

colonialist ambitions of Zionism at bay, West Jerusalem would fall to Israeli forces in 1948. When the British Mandate of Palestine ended that year, the Zionists proclaimed the establishment of the State of Israel on May 14, 1948 and the Arab-Israeli war formally broke out; Zionist militias fought with poorly armed and Palestinian groups when the UN voted in November 1947 in favor of partitioning Palestine. During that fighting, the Zionist militias (that would rapidly unify as the Israeli national army) had already seized significant territory (30,000 Arab-owned plots of land were expropriated in the Jerusalem area.[19]) allocated to the Arabs in the UN Partition Plan.

By that year, the West Jerusalem municipal area came under the control of Israeli forces, despite United Nations' resolution 181 which gave the city special status as a "separate body" (*corpus separatum*) under International Law.

During the course of the 1948 war, Jordan successfully defended East Jerusalem and its Muslim and Christian Holy Sites. Then, on April 24, 1950, as a result of the Jericho Conference and the Unity Declaration between the Hashemite Kingdom of Jordan and the Palestinian leadership of the West Bank, the latter territories, including Jerusalem, officially became part of the Hashemite Kingdom of Jordan. This was the result of the signing by King Abdullah I of a resolution passed to him for signature by Jordan's National Assembly (including representatives of both East and West Banks), which supported the unity of the two Banks as one nation State called the *Hashemite Kingdom of Jordan*, "without prejudicing the final settlement of Palestine's just case within the sphere of national aspiration, inter-Arab cooperation and international justice".

The signing of this resolution was also the culmination

of a series of earlier requests made by the Palestinian Arabs through conferences attended by the elected Mayors of major West Bank towns and villages (Hebron, Ramallah, Al-Beereh, Jenin, Nablus, Tulkarem, Qalqeelya and Anabta), as well as leading religious clerics (Muslims and Christians alike), and a multiplicity of notables, tribal leaders, activists, college presidents, the Chief Shariah Judge, and the Mufti of Jerusalem Saed-Ideen Al-Alami. Following these conferences, King Abdullah I consented to a proposed constitutional amendment to expand the membership of the Jordanian Parliament to include elected representatives from all the West Bank constituencies. Elections for the expanded Parliament were held on 11 April 1950 and a new Parliament was elected with half of its members elected from the West Bank. To address some concerns from the Arab League the Government of Jordan formally affirmed through a declaration in 1950 that unity with the Palestinian territory was "without prejudice to the final settlement" of the Palestinian problem: this declaration was accepted by the Arab League. Through this arrangement, the Hashemite Kingdom strengthened its protection of Jerusalem, established the laws of restoration of the Holy Sites and continued the traditions of annual Hashemite donations for the Holy Sites and the people of the Old City of Jerusalem.

In July 1953, the Jordanian cabinet met in East Jerusalem for the first time and shortly after, the parliament was convened there. By 1959, Jerusalem's status was upgraded from *baladiya* (municipality) to *amanah* (trusteeship), making it equivalent in importance to Amman. King Hussein announced that Jerusalem was the second capital of the Hashemite Kingdom of Jordan and planned to build a palace to the north of the city. The special

historic role of the Hashemites in Jerusalem continued and persisted as Jordan maintained its physical, legal and political sovereignty over East Jerusalem. It is not until the Arab-Israeli War of June 5, 1967 when Israel launched an *offensive* war against Egypt and proceeded to capture East Jerusalem and the West Bank from Jordan, the Gaza Strip and Sinai from Egypt, and the Golan Heights from Syria, that the Old City fell under occupation.



Dominus Flevit cross overlooking the Dome of Rock and the ancient city of Jerusalem

Israeli Occupation: 1967 CE

In 1967 Israel launched an aggressive war on its neighbors, and as a result of fierce but brief hostilities between 5-11 June the West Bank and East Jerusalem, inter alia, were occupied by Israel's armed forces with around 300,000 Palestinians forced to flee their homes. Since the legality of Israel's conduct in East Jerusalem and the Holy Sites therein, is closely connected with the status of those territories, and since their status is governed by the circumstances in which they came to be under Israeli military control, the events leading up to the 1967 conflict bear

relevance to the legality of such conduct.

Those events themselves have a background which is relevant not only to the 1967 conflict but also to much else that preceded that conflict and followed it. It is evident from the public record that from the earliest days of its existence, Israel had been driven by an overriding policy to secure for the State of Israel the whole of the former mandated territory of Palestine, and to drive out of that territory the vast bulk of the indigenous Arab population in order to make room for an incoming Jewish population. The consistency of this purpose is apparent from the conduct of Israel's expansionist policies, particularly from June 1967 onwards (see Nur Masalha's I*mperial Israel and the Palestinians: The Politics of Expansion* [2000]).

In the days preceding the outbreak of hostilities on 5 June, Israel border positions with Jordan were reinforced, and included the introduction of tanks into the demilitarized zone around Jerusalem, in violation of Article III.2 and Annex II.2 of the 1949 Armistice Agreement. Random small arms fire against Jordanian positions in Jerusalem was also reported in the early hours of 5 June.

On 5 June 1967, Israel launched its surprise attack, virtually eliminating the Egyptian air force in a single blow. In response to the Israeli attack, to the Israeli build-up and incursions across its border, and in accordance with its collective self-defense obligations under the Pact with Egypt, Jordanian forces shelled Israeli military installations. Israeli forces counterattacked into the West Bank and Arab East Jerusalem. Israel now had complete control of the skies, and after a spirited defense of Arab East Jerusalem, the outnumbered and outgunned Jordanian army was forced out of the City. When the final UN cease-fire was imposed

on 11 June 1967, Israel stood in possession of a wide swathe of Arab land, including the Egyptian Sinai and Egyptian-occupied Gaza Strip, Syria's Golan Heights, and, most significantly in the present context, what remained of Arab Palestine — the Jordanian West Bank, including Arab East Jerusalem.

The circumstances surrounding Israel's use of force are sometimes presented as an instance of (pre-emptive) self-defense. However, there is no convincing evidence of that, nor is there any truth in the suggestion that, Egypt, Syria or Jordan, individually or collectively, ever intended or planned to attack Israel, or that Israel's existence was threatened at any time, or that there was any substantial or imminent armed attack on Israel such as would justify Israel's use of force in self-defense; and in any event the use of force by Israel was wholly disproportionate in the circumstances. This has been substantiated by later public statements made by Israeli leaders of the time. In particular, Mr. Menachem Begin (Minister without Portfolio in the Israeli Cabinet during the 1967 war and later Israel's Prime Minister) in an address to the Israeli staff war college on 8 August 1982 pointed to the fact that the 1967 war was a war of choice. Begin stated that:

> "In June 1967, we again had a choice. The Egyptian army concentrations in the Sinai approaches do not prove that Nasser was really about to attack us. We must be honest with ourselves. We decided to attack him".

Similarly, Yitzhak Rabin, Israel's Chief of Staff during the 1967 war and later Prime Minister of Israel, stated:

> "I do not believe that Nasser wanted war. The two divisions which he sent into Sinai on May

> 14 would not have been enough to unleash an offensive against Israel. He knew it and we knew it."

In short, Israel's invasion and occupation of the West Bank lacked any legal basis in international law. It constituted a blatant violation of one of the cardinal rules of contemporary international law, namely that which prohibits resort to armed force in international relations. That prohibition has the character of *ius cogens.*

The following is an overview of the outcome of the Israeli occupation following the 1967 Six-Day War:

- Illegal annexation of the City of Jerusalem administratively and politically.
- Dissolution of the elected Arab Municipal Council of Jerusalem, and tens of Arab civil society organizations.
- Abrogation of Jordanian laws; replacing them with Israeli laws, while continuing to selectively recognize some Jordanian laws.[20]
- Termination of all judgments issued by the Shari'ah Islamic Courts in Jerusalem in order to compel Muslims to go to the new Shari'ah court established by Israel in Jaffa.
- Confiscation of more than 126,000 *Dunum*s of Arab land (126 sq.km) in Occupied East Jerusalem.
- The announcement that "the Greater Jerusalem municipality" under Israeli occupation is to include an additional nine Arab townships around the Old City and about sixty Arab villages.
- Causing the displacement of 6,000 Muslims and Christians who were forced to leave the Old City of Jerusalem after their homes were demolished by Israel.
- Destruction of water and electricity systems in East Jerusalem and the West Bank.
- Imposing Israeli education curricula on Arab schools in

East Jerusalem and placing them under Israeli supervision

After occupying the West Bank and Gaza in 1967, Israel has actively assisted many of its citizens to establish Jewish settlements there by providing material support and an 'enabling environment', which is illegal according to the Fourth Geneva Convention. Today 40% of the West Bank is off-limits to Palestinians, as they are not allowed to live in Israeli settlements, drive on Israeli-only roads, or even live or travel through 'security zones', surrounding the settlements. The Palestinian refugees of West Jerusalem were never allowed to return. As Moshe Dayan frankly put it:

> "Jewish villages were built in the place of Arab villages. You do not even know the names of these Arab villages, and I do not blame you because geography books no longer exist, not only do the books not exist, the Arab villages are not there either".[21]

From the very beginning of the Israeli occupation of the Old City of Jerusalem, Israeli authorities have systematically sought to Judaize the city employing military, legislative, archaeological and administrative measures. No mainstream Israeli leader has been able to conceive of existence without a clear physical separation between the two peoples — the Arab Muslims and Christians, and the Jews. Such separation to Israeli leaders was (and still is) — achievable only by population transfer and expulsion. On this, the first prime minister of Israel, David Ben Gurion himself observed:

> "With compulsory transfer we (would) have a vast area (for settlement). I support compulsory transfer. I don't see anything immoral in it"[22].

Attempts to establish a wholly Jewish character for the Holy City soon became a popular signifier of Israeli patriotism. Despite opposition from allies such as the United States to the annexation of East Jerusalem, the drive for exclusive Israeli domination in Jerusalem has persisted.

On the night of June 8th, 1967 and only one day after the Israeli Army had occupied the Old City of Jerusalem, 650 inhabitants of the Magharbeh Quarter were ordered to vacate their ancestral homes by force on a few hours notice. Workers under the guard of Israeli soldiers demolished the quarter, destroying 270 homes, the Buraq Mosque and other sites, thus changing the character of a portion of the Old City forever. The 800 year-old neighborhood bordering the western wall of *Al-Haram Al-Sharif* was demolished under the pretext of facilitating public access to the Western Wall.[23]

Israeli Defense Minister Moshe Dayan attempted to follow the 1917 status quo practices of General Allenby, and gave supervisors from the Awqaf — Islamic Religious Endowments Authority — full administrative responsibility over *Al-Haram Al-Sharif*. Israeli Prime Minister Eshkol also assured Muslims and Christians that "no harm whatsoever shall come to the places sacred to all religions"[24]. But Israel nevertheless began settlement activity in East Jerusalem, and expanded the Jewish Quarter in the Old City after expelling hundreds of Palestinian refugees who had taken up residence in the Quarter after losing their homes in West Jerusalem in 1948. Israel also carried out extensive excavation works around *Al-Haram Al-Sharif*.

Several excavations under and around the *Al-Haram Al-Sharif* (see Annex I: The Tunnels) took place throughout the late 1960s and 70s. Israeli authorities intensified their excavations

directly beneath *Al-Haram Al-Sharif* on the southern and western sides in 1970. In 1977, digging continued and a large tunnel was opened below the women's prayer area and a new tunnel was dug under *Al-Haram Al-Sharif*, heading from east to west in 1979. In addition, the Archaeological Department of the Israeli Ministry of Religious Affairs dug a tunnel near the western portion of *Al-Haram Al-Sharif* in 1984. The excavations provoked anger throughout the Islamic world, and Israel was accused of trying to destroy the foundations of the *Al-Haram Al-Sharif*.

Such illegal excavations have not only demolished important and historic schools, houses and mosques around *Al-Haram Al-Sharif*, but also changed and undermined its structural integrity. For example, bulges in the walls of *Al-Haram Al-Sharif* were recorded in 2001 and 2004, in addition to several structural collapses recorded over the years (1984, 1990, 1996, 2004 and 2009). Today, there are at least 13 Israeli tunneling projects under and around *Al-Haram Al-Sharif*, the majority of which are funded and/or conducted by settlers. Settlers have made several announcements since 1967 that these tunnels enable them to reach all underground locations of *Al-Haram Al-Sharif* (See Annex II: Maps).

In 1983, the main entrance to Jerusalem's Awqaf Department collapsed due to Israeli excavations underneath it and extensive digging under the Muslim Quarter. In the same year, a group of extremist rabbis declared that Jews could pray in *Al-Haram Al-Sharif* (defying the 1967 decision by the Israeli orthodox rabbinate that under no circumstances should Jews enter the *Al-Haram Al-Sharif*). The militant rabbis' approval of Jewish prayer within the *Al-Haram Al-Sharif* was also in direct contravention of the Awqaf's agreement with the Israeli government which stated

that non-Muslims could enter *Al-Haram Al-Sharif* for purposes of tourism but could not perform prayers within its walls.

Consequent Israeli incursions coupled with intensive tunneling in the Old City of Jerusalem led to severe violence and tension during the period of the First Intifada (1987-1990) and again in 1996. The Second Intifada in 2000 was triggered when Ariel Sharon made his provocative visit to *Al-Haram Al-Sharif* on September 28, 2000.

Since the occupation of East Jerusalem in 1967, there have been at least three attempts by what was described in the Israeli press as 'the Jewish Underground' — a terrorist network with direct links to the most extremist of the settler groups — to blow up the Dome of the Rock. These attempts were thwarted by Israeli state security which appreciated the grave and adverse consequences emanating from the adverse reaction of the entire Muslim world to such an event.

However, in 1969, one terrorist attack which was not thwarted was when the Australian Christian Zionist Dennis Michael Rohan set fire to the beautiful *minbar* or pulpit in the Al-Aqsa Mosque out of belief that burning down Al-Aqsa would hasten the return of the Messiah. The fire resulted in irreversible damage to the Al-Aqsa Mosque and particularly its beautiful *minbar* (pulpit) which was completely destroyed. The incident outraged the whole Muslim world and pushed more than 50 Muslim countries to form the Organization of the Islamic Conference (OIC) in order to increase the international pressure on Israel to respect the Muslim Holy Sites and right to worship. This right to worship was being *directly* curtailed by Israel in many other cases, if not in this particular incident.

These Israeli actions against Muslim Holy Sites have not been

limited to Old City Jerusalem as there have been other attempts in other Arab cities. One such incident occurred on February 25, 1994 when settler Baruch Goldstein opened fire on Muslim worshipers praying in the Ibrahimi Mosque in Hebron, killing 30 Muslims.

A right-wing Jewish conference was held in Jerusalem on October 5, 2009 to call for the building of the 'Third Temple' just hours after East Jerusalemite Muslims rioted in the vicinity of *Al-Haram Al-Sharif* amid reports that Jewish extremists were planning to storm the site. Today Israeli extremist plans include seizing space for a Jewish place of prayer or building a synagogue inside *Al-Haram Al-Sharif.* Israeli religious extremists are of the view that reclaiming "sovereignty over the Temple Mount" — i.e. destroying the *Al-Haram Al-Sharif and building their proposed 'Third Temple' there instead* — will bring the end of the world and salvation closer.

In March 2010, Israeli Prime Minister Benjamin Netanyahu announced that Israel had sanctioned the building of 1,600 more homes for Jews in Occupied East Jerusalem seized from Jordan during the 1967 war. These settlements go on despite the fact that East Jerusalem lies beyond Israel's internationally recognized, pre-1967 borders. Following the Israeli Knesset declaration of annexation of Jerusalem in 1980, the United Nations Security Council explicitly rejected Israel's claims to East Jerusalem and described all Israeli measures therein 'null and void' with even the United States choosing not to veto that resolution.

Following Israel's insistence on building Jewish settlements despite displacing hundreds of Muslims and Christians from their East Jerusalem homes, the United Nations Secretary

General Ban Ki-Moon cautioned Israel regarding the illegality of settlement activity in Palestinian neighborhoods. Despite the international community's unanimous reaction to Israeli policies in Jerusalem. Such policies in the entire globe, today echoes that of Prime Minister Yitzhak Rabin in a speech he gave to the Knesset in 1995, the year he was assassinated:

> "Jerusalem is not a subject for compromise. Jerusalem was ours, will be ours, is ours and will remain as such forever".[25]

Indeed, since then every Israeli senior politician (including Prime Minister Benjamin Netanyahu, on May 21, 2009) and many members of the US Congress have taken to repeating to the media the mantra that:

> "Jerusalem is the eternal, undivided capital of the State of Israel".

Clearly, the world itself is not eternal, let alone the State of Israel or earthly Jerusalem, and equally obviously Jerusalem itself *is* divided in practice and *is not* recognized as the capital of the State of Israel by international law or any country. So this is merely absolutist claim and posture politics by the Israelis. Nevertheless, it remains a dangerous claim, because, as will be seen in the next chapter, 1.5 billion Muslims and 2.1 billion Christians (22% and 33% respectively of the world's population of 6.7 billion people) feel equally strongly about it for religious reasons as the world's 15 million Jews (or 6 million Israelis at least since not all Jews are Zionists). Thus absolutist claims for 'exclusive rights' to Jerusalem can only mean there will be no peace in the world, and least of all in Jerusalem and the Holy Land.

PART TWO
THE RELIGIOUS SIGNIFICANCE OF JERUSALEM

Judaism

Jerusalem has long been embedded in Jewish religious consciousness as it is believed that Adam was created at the site of the Temple — a place whose holiness, according to the Jews, preceded the creation of the world. Jerusalem is also part — or rather perhaps the jewel — of the Holy Land promised by God to the children of Israel in the Torah. The Book of Samuel and the Book of Psalms describe King David's struggle to capture Jerusalem and his desire to build a temple there. The construction of the Temple by Solomon — part of which contained what is called 'The Holy of Holies' — gave the city its sanctity to Jews as the place with which God chose to uniquely associate His Holy Name (Deuteronomy, 12:5).

Although this sanctity is still there, participation in it has been lost. The Temple rites for ritual purification and the precise knowledge of the exact place of the holy site are a *conditio sine qua non* for worship. Given the absence of these, traditional Orthodox Jewish teaching prohibits Jews from entering *Al-Haram Al-Sharif* today — what Jews refer to as the 'Temple Mount'[26], (and what the Qur'an refers to as '*Al-Masjid Al-Aqsa*' — the Farthest Mosque — years before a material mosque was built by the Caliph Omar on that site to commemorate the Prophet Muhammad's ascension to Heaven from there during the *Isra' wal-Mi'raj*).

Jewish tradition narrates that when the Temple was standing, the children of Israel went to Jerusalem for pilgrimage three times a year (Deuteronomy, 16:16-17). Jerusalem thus served

as the focus of the spiritual unity and purpose of the Jewish people (Psalm 122). Accordingly, Jews continue to face towards Jerusalem for their prayers three times a day. In addition to the rich body of religious literature extolling Jerusalem's physical and spiritual virtues, the city is associated with central religious events in human history, starting with creation itself. The foundation stone was not only thought to have been the centre of the Temple, but was considered the centre of the world from whence Creation had commenced. Furthermore, Jews believe that the earth used to create Adam was taken from it.

The special days of mourning for the destruction of Jerusalem and the exile sustain the central character of the city in the spiritual life of Jews. At the conclusion of the two most prominent religious ceremonies in the Hebrew calendar — the Day of Atonement, when Jews fast for twenty five hours, and the Passover meal on the first night of this seminal festival of Jewish life and history — Jews continue to recite the words "*leshanah haba'ah bi Yerusahalayim*", "next year in Jerusalem". These words traditionally were an allusion to the yearning for the coming of the Messiah, who would then, without any human agency, miraculously bring all of the Jews to Palestine.

Jerusalem is also identified with events in the lives of the Patriarchs. Most notable of all in this regard is Abraham's willingness to sacrifice to God his own son and heir. The place of Jacob's dream in which he received Divine revelation and promise is also identified by Jewish tradition with this site.

Historically, after the destruction of the (first) Temple in 587 BCE, the Jews of Jerusalem found consolation in the study of the Torah. This evolution of Judaism involved the development of the ancient oral tradition into what is called the *Mishnah*: a

law symbolic of a "new Jerusalem" where Jews could experience the Divine Presence wherever they happened to be. Whether the Temple was reconstructed was a matter left to God, and the true sacred encounters now lay in worship at home or in the synagogue and in how Jews treated their fellow human beings.

Prior to the mid-1850s, the Jewish community of Jerusalem was largely Sephardi (Spanish) in origin, and their religious life was centered around make-shift synagogues and *koleilim*; community centers for learning the Jewish tradition. It was not until the arrival of Ashkenazi Jewish communities from Russia and Eastern Europe in the 19th century that the Jewish Quarter of the Old City became overpopulated and expanded to the outer walls of the city. The overflow of Jewish immigrants to Jerusalem and the Israeli destruction of the Magharbeh Quarter and its transformation into a purely Jewish place of devotion altered the city's character permanently.

Israeli Jewish settlement in the Old City has taken place largely through the establishment of militant settler Rabbinical schools with attached residential dormitories. They are united in their common purpose of building a Jewish presence in the Muslim Quarter that will lead, they hope, to the reconstruction of Solomon's Temple on the site of the Dome of the Rock and the Al-Aqsa Mosque.

Religious nationalist settler groups such as *Ateret Cohanim*, *Elad*, the Young Israel Movement and Faithful of the Temple Mount are some of many movements that advocate the permissibility for Jews to pray in *Al-Haram Al-Sharif* and have made claims over property in the Muslim Quarter. Jewish settlements and expansion into Muslim and Christian spaces are seen by these religious extremists as the only way to prevent the soiling

of the race chosen by the God of the Israelites (Deuteronomy, 2:6)[27].

But not all Jewish sources promote an exclusivist claim over the Old City. In Isaiah 2, for example, we learn that people of many different nations will come to Jerusalem and put their faith in God and walk in His ways. One of the consequences of this is that Jerusalem will become associated with the end of war, and with peace and reconciliation between nations (Isaiah, 2:3-5). This is why, when Jesus rebuked the religious leaders for exploiting the foreigners' visit to the temple, he quoted Isaiah:

"For my house will be called a prayer for all nations",
(Isaiah, 56:7 cf. Mathew 21:13).

In contemporary times, this perspective is reflected in the almost heroic activities of the Israeli Jewish peace activists, be they Orthodox Jews or secularists opposed to the settlements and in particular to the ethnic cleansing of Arab neighborhoods in and around Arab Jerusalem.

Christianity

In the Christian religion, in addition to Jerusalem's importance in the Old Testament, the city's place in the life of Jesus and the Acts of the Apostles makes it the holiest and most sacred city in the world. According to the New Testament, Jerusalem was the city to which Jesus was brought as a child to be presented at the Temple (Luke, 2:22) and to attend festivals (Luke, 2:41). According to the Four Gospels, Jesus preached and healed in Jerusalem, especially in the Temple Courts. The events of Pentecost, which are recorded in the New Testament Book of Acts, also took place at this location. There is also an

account of Jesus' cleansing of the Temple by chasing various traders out of the sacred precincts (Mark, 11:15). At the end of each of the Gospels, there are accounts of Jesus' Last Supper in an 'Upper Room' in Jerusalem, his arrest in Gethsemane, his trial, his crucifixion at Golgotha, his burial nearby and his resurrection, ascension and prophecy to return. All these blessed events make Jerusalem (along with Bethlehem where Jesus was born, and *Bethany beyond the Jordan* [John 1:28; John 3:26] where the epiphany occurred and Jesus began his mission) the holiest place in the world for Christians.

The Gospel of Luke provides us with several insights into how Jesus viewed Jerusalem. In Luke 13, for example, we find Jesus rebuking the leaders of Israel for their hostility to prophets and Divine commands:

> *Jerusalem, Jerusalem, you who kill the prophets and stone those sent to you, how often I have longed to gather your children together, as a hen gathers her chicks under her wings, and you were not willing. Look, your house is left to you desolate. I tell you, you will not see me again until you say, 'Blessed is he who comes in the name of the Lord.'*
>
> (Luke 13:34-35)

Jesus Christ's love for Jerusalem, means that is the spiritual home of all those who believe in Jesus Christ — all Christians — and it that it holds a sacred and heavenly significance for them.[28]

In the Book of Revelation, however, Jerusalem is figuratively referred to as "Sodom and Egypt" (Revelation 11:8). For it was in Jerusalem that Jesus Christ was believed to have been crucified at Passover, where the signs and wonders of the Holy Spirit at Pentecost were rejected, where the message of the

Apostles was repudiated; and where *"the great persecution against the church"* (Acts 8:2) took place. Thus, Jerusalem in the earliest Christian tradition is often associated with the immorality of Sodom and the oppression of Pharaonic Egypt. This immorality in Jerusalem, however — and Jesus' persecution there — do not mean that Jerusalem is any less holy to Christians. For the New Testament also envisaged 'a heavenly Jerusalem' (of which 'earthly Jerusalem' is the symbol) in which all believers in Jesus Christ have "automatic citizenship". In the (Letters to the) Hebrews, Christ's followers are promised residency in the heavenly Jerusalem:

> *But you have come to Mount Zion, to the heavenly Jerusalem, the city of the living God. You have come to thousands upon thousands of angels in joyful assembly, to the church of the firstborn, whose names are written in heaven.*
>
> (Hebrews, 12:22-23)

For the past two thousand years, millions of Christian pilgrims have made the journey to Jerusalem to visit the Holy Sepulcher, Golgotha and the Via Dolorosa to share in the blessing of the life of Jesus Christ. Ever since the rule of the Byzantine emperor Constantine, monks, nuns, clerics and pilgrims have gone on extraordinarily spiritual journeys to 'retrace' the steps of Jesus; to become closer to God in Jerusalem. The principal motive which draws Christian believers to Jerusalem is the desire to see and touch the place in which Jesus Christ was once physically present.

By the 6th century AD the Christian realization of Jerusalem had completely shifted away from the Temple to the places associated with Jesus Christ himself. Despite the bloody Persian siege and occupation of the city in 614 CE, the Byzantine

Emperor Heraklius wrestled it back and temporarily renewed the city's Christian identity. But even after Heraklius' ambitions waned and after the city passed, for over 1300 hundred years to Muslim rule, Christians would keep an important presence there, and safeguard their Holy Sites and their awareness of Christian sacred geography in Jerusalem. For Christians the ancient city of Jerusalem is the centre of the world, the place of life, salvation and peace.

In the post-1967 period of Israeli occupation, new Christian denominations and some evangelical groups made their presence in the Holy City, namely groups like Christian Zionists. Such groups, often unofficially dubbed Christian Zionists, have long received immense Israeli support for their belief that the current State of Israel is a fulfillment of Biblical prophecy. Christian Zionists also believe that by supporting the State of Israel they may speed up the second coming of Jesus Christ, and hasten the Apocalypse.

To the many indigenous Palestinian Christians living in the Diaspora and the thousands of those still living in the Holy City and the rest of Palestine and Israel, Christian Zionism is often regarded as a hindrance to peace because it is seen as contrary to the Bible's message of peacemaking and love of thy neighbor. It is also theologically flawed, and indeed heretical in its recasting of the events associated with the return of the Messiah[29]. For to believe in the Apocalypse is one thing, but to consider that one has the right to actively bring it about through offences is directly contrary to Jesus' own words and warning:

> *"Woe to the world because of offences! For offenses must come but woe to that man by whom offence comes."*
>
> (Matthew, 18:7)

In other words, Christianity — or at least the Bible itself — does not under any circumstance countenance 'end-timer' theology which encourages 'bringing about' the Second Coming, the redemption and the apocalypse.

Islam

The Muslim Holy Sites in Jerusalem are as important to Muslims as those of its sister cities (of Mecca and Medina) in the Arabian Peninsula. Jerusalem is the first direction of prayer ('*Qibla*') of Islam. God says in the Holy Qur'an:

> *The foolish of the people will say: What hath turned them from the qiblah which they formerly observed ? Say: Unto Allah belong the East and the West. He guideth whom He will unto a straight path. / Thus We have appointed you a middle nation, that ye may be witnesses against mankind, and that the messenger may be a witness against you. And We appointed the qiblah which ye formerly observed only that We might know him who followeth the messenger, from him who turneth on his heels. In truth it was a hard (test) save for those whom Allah guided. But it was not Allah's purpose that your faith should be in vain, for Allah is Full of Pity, Merciful toward mankind. / We have seen the turning of thy face to heaven (for guidance, O Muhammad). And now verily We shall make thee turn (in prayer) toward a qiblah which is dear to thee. So turn thy face toward the Inviolable Place of Worship, and ye (O Muslims), wheresoever ye may be, turn your faces (when ye pray) toward it. Lo! Those who have received the Scripture know that (this revelation) is the Truth from their Lord. And Allah is not unaware of what they do.*
>
> (*Al-Baqarah*, 2:142-4)

Jerusalem is also the place to which the Prophet Muhammad was miraculously transported from Mecca through the miracle of *Al-Isra', to the Al-Masjid Al-Aqsa in Jerusalem where t*he Prophet Muhammad led all God's prophets in prayer. From the *Al-Masjid Al-Aqsa the Prophet Muhammad* then ascended to Heaven where he received the gift of the all-important five daily prayers, which all Muslims have been required to perform ever since. God says in the Holy Qur'an:

> *Glorified be He who carried His servant by night from the Inviolable Place of Worship to the Far Distant Place of Worship (Al-Masjid Al-Aqsa) the neighborhood whereof We have blessed, that We might show him of Our tokens! Lo! He, only He, is the Hearer, the Seer.*
> (*Al-Isra'*, 17:1)



The Al-Aqsa Mosque which risks destruction due to Israeli tunneling underneath

On April 17th 2010, Nobel Prize Winner Elie Weisel took out an advertisement in the New York Times saying Jerusalem is not named in the Qur'an but named six hundred times in the Bible. As the quotes from the Holy Qur'an above show, the

Masjid Al-Aqsa in Jerusalem *is* referred to in the Qur'an and *is* essential to Islam (and ironically in fact Jerusalem as such may be named 600 times in the Bible, but is not named once in the *Torah*, as shown by Biblical Concordance).

Jerusalem is also important to Muslims because of its association with the Biblical prophets — historically and theologically, Islam holds a special reverence for all the Prophets and Messengers of God — starting with Jesus Christ himself (whom Islam venerates as .... *the Messiah Jesus son of Mary is a Messenger of God and His Word which he cast unto Mary and a Spirit from Him....* [*Al-Nisa*', 4:171]). It also includes also other Prophets and Saints of God such as Abraham, Ishmael, Isaac, David, Solomon, Zakariah and John, and the Blessed Virgin Mary. It is for this reason that the Qur'an calls Palestine '*Al-Ard Al-Muqaddasah'* (*the Sacred Land*; Holy Qur'an, 5:21), and refers to its surroundings as '*barakna hawlaha*' (*God's Blessed Precincts*; Holy Qur'an, 17:1). That is also why in the earliest centuries of Muslim rule before it was called '*Al-Quds*', the Holy City was referred to as '*Medinat Bayt Al-Maqdis*', which Karen Armstrong translates as 'the City of the Temple'. Indeed, an entire sub-set of traditional Arab-Islamic religious literary work (called the '*Fada'il Al-Quds')* is devoted to praising the sacred virtues of Jerusalem.[30] Thus the cousin and son-in-law of the Prophet, and the fourth caliph of Islam and first *Imam* 'Ali bin Abi Talib, said:

> *"Jerusalem is the center of the Universe and the closest point on earth to Heaven"*.

Jerusalem is additionally associated with the Day of Judgment in Islam and thus with events at the end of time.

For all these reasons, Jerusalem is an integral part of Islam, no less important than Mecca or Medina, and according to tradition

it was customary for Muslim pilgrims to visit to Jerusalem after they had completed the *Hajj* (pilgrimage) to Mecca, and visited Medina and became known as 'the Long *Hajj*'. The Prophet Muhammad himself enshrined this rite when he said:

> *Do not set out on a pilgrimage except for three mosques: Al-Masjid Al-Haram, the Mosque of God's Apostle, and the Mosque of Al-Aqsa*
>
> (Narrated in Bukhari)

It should be noted that whilst all of Jerusalem is '*Mubarak*' in Islam, it is the *Al-Haram Al-Sharif* (which contains the footprint of where Prophet Muhammad ascended to Heaven) and compound (which includes the *Haram* Plaza, the Dome of the Rock Mosque, courtyards, walls, gates, outbuildings etc.) which is particularly blessed, since God named it '*Al-Masjid Al-Aqsa*' in the Holy Qur'an, and made it the centre of the blessings around it (as cited above):

> *Glorified be He who carried His servant by night from the Inviolable Place of Worship to the Far Distant Place of Worship (Al-Masjid Al-Aqsa) the neighborhood whereof We have blessed....*
>
> (*Al-Isra'*, 17:1)

While the entire site of the *Al-Haram Al-Sharif* is known as a '*Haram*', meaning 'sacred', its status in Islamic law is actually that of '*Mubarak*'. '*Mubarak*', meaning 'blessed', signifies a place whose laws and regulations differ slightly from those of the sites in Mecca and Medina; the holy cities whose sites are '*Haraam*', in an exclusive manner to Muslims. Whereas non-Muslims have historically not been allowed in Mecca and Medina after the death of the Prophet, in Jerusalem under Muslim rule, non-Muslims have long been welcome. Thus, unlike the Crusaders, in the 1300 years Muslims ruled Jerusalem politically, and were always happy to share the city with Christians and Jews. This

included the protection of Christian and Jewish minorities in addition to their Holy Sites in the city, without ever relinquishing their own presence, Holy Sites or sacred rights.

* * *

As we have seen Jerusalem is associated with the Muslim Daily Prayer; the *Hajj*; the Day of Judgment; the *Isra wal-Mi'raj*; the most sacred events and the most blessed and venerated personages of Islam. All this explains why Muslims are bound to protect Jerusalem by virtue of their religious beliefs. Today, the Old City of Jerusalem, with its Holy Sites, remains under foreign military occupation. Therefore, the world's 1.5 billion Muslims — between one fifth and one quarter of the world's population — have a grievance based on faith, against Israel. That is why the Palestinian-Israeli conflict is qualitatively different from any other conflict in which Muslims are involved. That is also why every Muslim — and not just radical Muslim groups — name Jerusalem as their 'number one' grievance in the world. For example, the Iranian Revolutionary Guards force is called the '*Al-Quds'* (Jerusalem) Brigade.

The emancipation of the Holy Places from Foreign Occupation and Alien Domination is an Islamic religious and theological categorical imperative, which can be delayed, but never forgotten. This demand is not limited to Islamic fundamentalist or militant groups; every Muslim in the world shares in this belief, no matter how 'moderate'. The law of war in Islam is a subset of Islamic law (*shari'ah*), and as such it must conform to the principles of that encompassing law. Jurists of the orthodox tradition have, in codifying the law, identified

those fundamentals which the law must protect and which Muslims cannot violate. These are usually called "The Aims (or Intentions) of the Law" (*maqasid al-shari'ah*), but in effect they amount to the Five Basic Rights. They are: (1) Religion; (2) Life; (3) Mind; (4) Honor; (5) Property. Therefore, the destruction of the Al-Aqsa Mosque by Israeli tunneling would constitute a violation of two or more basic Muslim rights. The very permission and justification for war in Islam is given in the Holy Qur'an as is the defense of religious sites (including churches):

> *Sanction (to fight) is given unto those who fight because they have been wronged; and God is indeed Able to give them victory — Those who have been driven from their homes unjustly only because they said: Our Lord is God — For had it not been for God's repelling some men by means of others, cloisters and churches and oratories and mosques, wherein the name of God is oft mentioned, would assuredly have been pulled down. Verily God helpeth one who helpeth Him. Lo! God is Strong, Almighty.*
>
> (*Al-Hajj*, 22:39-4)

There are thus three general pre-conditions to *jus ad bellum* or 'just war' under Islamic law or *shari'ah*: (1) that Muslims are oppressed or wronged; (2) that Muslims are driven off their land, and (3) that mosques (or churches or other places of worship under Muslim protection) be destroyed or pulled down. Now all three of these conditions are terribly present in the case of the current occupation of East Jerusalem, and because the Al-Aqsa Mosque (and its compound) is one of the Three Holiest Sites of Islam, this means that any destruction to the Al-Aqsa Mosque compound, and all 1.5 billion Muslims (no matter how 'moderate' or peace-loving) all over the world are

religiously and necessarily duty bound to defend the Aqsa by means of *jihad* (or 'war in the Way of God'). This is why the situation in Jerusalem is so explosive and dangerous. Moreover, whereas the same conditions applying to other mosques may be deemed to be '*fard kiffayah*' (obligatory that only some Muslims do it) by some scholars, in Jerusalem, the defense of the Aqsa is unquestionably '*fard 'ein*' (obligatory on every single Muslim in the world). The fact is not understood well by non-Muslims today, but cannot be overstated.

Israeli tunneling in Jerusalem — which started secretly in 1967 — has become a fact on the ground despite its illegality. It continues in every direction under and around *Al-Haram Al-Sharif* with complete disregard to International Law and the religious importance of *Al-Haram Al-Sharif* for Arabs and Muslims so that today at least 13 Israeli tunnels penetrate *Al-Haram Al-Sharif* from at least four different directions. Israel does all of this in the quest for evidence of Solomon's Temple,[31] but these tunnels, particularly the ones extending directly under the Al-Aqsa Mosque and the Dome of the Rock, undermine the structural integrity of these Muslim Holy Sites. If any damage to the Islamic sites above occurs because of these tunnels — as precisely recently happened in the case of the Magharbeh Gate Pathway (putatively through rain, but actually from the weakening of existing structures through Israeli excavations) — a very critical situation would shortly ensue all over the Islamic world, and wherever there are Muslims all over world.

PART THREE
THE LEGAL STATUS OF JERUSALEM

The struggle over Jerusalem is about land, control and sovereignty. Since World War II and the United Nations' inception, neither International Law nor international resolutions have ever granted license or legitimacy to conquest by military occupation or to allow Israel to take control of Jerusalem. As International Law clearly prohibits the annexation of territory by force, the status of East Jerusalem is hence regarded as occupied territory under International Law. On 30 July, 1980 the Israeli Knesset reaffirmed the 1967 de facto annexation and declared Jerusalem the 'eternal undivided capital' of Israel through its Basic Law on Jerusalem. Constituting a deliberate and egregious violation of international law and the Fourth Geneva Convention, it was condemned by United Nations Security Council Resolution 478 in 1980 which declared that:

> All legislative and administrative measures and actions taken by Israel, the occupying power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and, in particular, the recent 'Basic Law' on Jerusalem, are null and void and must be rescinded forthwith[32]

Annexation of occupied territory, population transfer therefrom, settlement construction and destruction of private property therein are violations of Israel's obligations under, International Humanitarian Law,, the Fourth Geneva Convention and the letter and spirit of the Oslo Accords. As for West Jerusalem, UN Resolution 194 — which contains articles relating to compensation and the right of return — was violated

by Israel when it confiscated Arab Muslim and Christian property throughout the occupied city in 1948. Nevertheless, it made the legal demand that:

> The refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible[33]

In the course of the 1948 war, some 64,000–80,000 Palestinians were forcibly driven out of West Jerusalem and its immediate vicinity, and all the property left behind was declared 'absentee property'. Prior to the war, 40% of property in West Jerusalem belonged to Palestinians and 34% to the Awqaf Administration (Islamic Religious Endowments Authority), churches and the government of Palestine; while a mere 26% belonged to Jews.

After the occupation of East Jerusalem in 1967, the State of Israel rushed to announce the annexation of the Eastern part of the city and dismantled many of the Arab institutions there. The deportation of Muslim and Christian Jerusalemites, the closing down of Arab institutions, the restricting of entry to Christian Holy Sites, and the attempts to change the structure of Muslim Holy Sites are all among the many Israeli activities that have been condemned repeatedly by various Arab states, the United Nations and the United States. To date, none of these positions have succeeded in putting an end to Israel's relentless policies of ethnic cleansing, exclusion and negation of Jerusalem's

indigenous Arab population in the city.

In November 1967, the UNSC adopted Resolution 242 calling on Israel to: "withdraw from the territories occupied in the recent conflict in return for comprehensive peace"[34]. The UN Security Council then adopted resolution 252 on May 21, 1968 which stated that:

> All legislative and administrative measures and actions taken by Israel, including expropriation of land and property thereon, which tend to change the legal status of Jerusalem, are invalid and cannot change that status[35]

The Security Council also called on Israel;

> To rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem.[36]

Israeli Violations against Muslim Holy Sites

Al-Haram Al-Sharif

One of the many ways in which the legal status of Jerusalem has been undermined is the commitment by extremist Israeli settlers to continuously and forcibly infiltrate *Al-Haram Al-Sharif* under the protection of Israeli police. At the same time Israeli authorities, under the pretext of security, systematically ban Muslim men under the age of 45 or 50 from attending prayers at the *Al-Haram Al-Sharif, especially on important occasions such as the Friday Prayer, Ramadan and the two 'eids (festivals) in a clear violation of international human rights law and the Universal Declaration of*

Human Rights. Such actions have fuelled violent clashes with the Palestinians. Settlers have been demanding access to *Al-Haram Al-Sharif* to perform Jewish prayer rituals. Israeli police have actively assisted in facilitating this campaign, and these 'temple rituals' have now become an annual tradition. Such attempted Judaization polices evokes fear among Muslims in that it stands for the possibility of a gradual conversion of *Al-Haram Al-Sharif* into a Jewish temple.

Settlers continue to avidly campaign and raise funds for the construction of a 'Third Temple' on *Al-Haram Al-Sharif*. Many organizations, such as the Temple Institute in Jerusalem, are dedicated solely to this declared purpose. Similar movements have already completed building objects and collected materials to be used for the completion of the 'Third Temple'. The Israeli tunnels under *Al-Haram Al-Sharif* could be a precursor to the destruction of the Al-Aqsa Mosque. The various columns and apocryphal memorials in the tunnels have become an underground city tourist attraction that seeks to develop a pseudo-historical Israeli narrative in order to gain de facto rights over Muslim Holy Sites. This fictitious and constructed narrative, wherein foreign visitors are told: "this is where the stables were"; "this is where the butchers were" or the like, without a single scrap of hard archeological evidence, is manipulated in order to give Israel post facto rights in the tunnels under the *Al-Haram Al-Sharif*.

Much of the tunneling has been done by Jewish religious groups associated with the Israeli Settler movement (and in particular by two organizations *Elad* and *Ateret Cohanim*) or by Israeli government branches such as the Israeli Antiquities Authority effectively under the control of followers of the settler

movement. Prime Minister Benjamin Netanyahu himself was personally responsible for the *Bab Al-Qataneen* Tunnel in 1996 (sometimes called the Netanyahu Tunnel for this reason).

Erecting the 'Golden Temple's Candleholder' has taken place only a few meters away from the Al-Aqsa Mosque and there have been provocative events showcasing designs and maps for the building of the 'Third Temple' in several locations in the Old City, in which the Al-Aqsa Mosque and the Dome of the Rock are shown to be removed.

The *Magharbeh* (Moroccan) Gate

The 800-year old *Magharbeh* Quarter, along with its schools, zawiyas and other historic landmarks was razed to the ground by Israel in 1967. The pavement level of the Quarter was lowered and intrusive excavations and tunneling underneath it and the Buraq/Western Wall Plaza adjacent to it are still on-going to date. The case of the Magharbeh Quarter is an act of ethnic cleansing and a flagrant violation of International Humanitarian Law and UNESCO conventions.

Nothing of the Magharbeh Quarter remains save for an earthen ramp leading to the Magharbeh Gate; one of the gates leading into *Al-Haram Al-Sharif*. The keys of the Magharbeh Gate are the only keys in Israeli possession. Keys to all the other gates of *Al-Haram Al-Sharif* are under the custody of the Muslim Awqaf Administration, an entity run by the Jordanian Awqaf Ministry. Israeli authorities have used their possession of the Magharbeh Gate keys to assert de facto authority over it and the Pathway which leads to the Gate.

Finally, in February of 2004 the remaining parts of the wall on the northern side of the Magharbeh Gate Pathway were

demolished by Israeli Authorities under the pretext that it "posed a threat to visitors" after cracks appeared as a result of an earthquake. Remains of the Islamic school and the Islamic Museum over the Magharbeh Gate Pathway were destroyed. A temporary wooden bridge, which is still used today, was built in 2005.





The Magharbeh Gate Pathway after its collapse (left) and after Israel unilaterally built the temporary wooden bridge in its place (right)

The original Israeli design for a bridge to replace the temporary wooden one on the Pathway allowed for Israeli forces to move troops, armored personnel vehicles and significant numbers of settlers on to *Al-Haram Al-Sharif*. Despite it being in violation of International Humanitarian Law and UNESCO conventions, Israel has insisted on moving forward with its design for the Magharbeh Gate Pathway and has unilaterally advanced with the bridge.

A team of international technical experts examined the Pathway in 2007 and wrote in their report regarding the collapse:

> As one would conclude from the old pictures, we have the conviction that these walls cannot be destroyed on their own and/or due to earthquake, snowfall and rainfall.[37]

The mission report also concluded that Israel intends to extend the Buraq/Western Wall Plaza at the expense of the remaining Muslim ruins and antiquities at the site.

Through a partnership with UNESCO in 2007, Jordan submitted its own plan and design for the Magharbeh Gate Pathway that aims to preserve the character and integrity of the site without creating a transformational structure[38]. This plan seeks to preserve the unique dynamics of *Al-Haram Al-Sharif* while also maintaining the archeological integrity and authenticity of the site. This initiative was met with refusal from Israel despite the fact that the Magharbeh Gate Pathway is an ascent that leads to one of the gates of *Al-Haram Al-Sharif*, and as such, falls under Jordan's historic and legal role towards the Holy Sites in Jerusalem. The UNESCO World Heritage Center resolutions of the years 2007-2010 reiterate that Israel must not act unilaterally and should coordinate with Jordan on this matter and should ensure access to the Awqaf technical experts to take measurements in order to complete their design.

Christian Residents in Jerusalem

The Christian Arab community in Jerusalem and the West Bank constitutes a small minority that lives in villages and towns surrounding their Holy Sites. Church leaders have long voiced fears that Christian communities may be dying out in the land where Jesus was born, lived and died.[39] As a result of Israeli marginalization of non-Jews, large numbers of Christian Arabs fled the city and took refuge in neighboring Arab countries, while others have immigrated to Europe, Canada, Australia and

the United States.

The number of Arab Christian residents in Jerusalem declined from about 30,000 before the 1948 War to about 12,000 in 1980. In 1893, Arab Christians formed 13% of the residents of the Holy Land. This percentage declined to less than 2% around one hundred years later in 2000. A generous estimate of the total number of Palestinian Christians in the entire Palestinian Territories and Israel today does not surpass the 50,000 mark.

Since the Second Intifada uprising in 2000 CE, close to 4,000 Christian Palestinians are believed to have left the Holy Land. Arab Christians in Jerusalem are thus rapidly becoming an endangered minority faced with extinction. Today in 2010, only 14,000 Christians remain in the Old City[40].

The Historic Role of the Hashemites

Holy Sites in East Jerusalem are still principally and constitutionally under the sovereignty of the Royal Hashemite House of Jordan since it was legally excluded from Jordan's 1988 disengagement with the West Bank. From the onset of the Israeli occupation, the Jordanian Hashemites took on the role of the guardians and custodians of the Muslim Holy Sites in Jerusalem. In 1918, British Commander Hogarth was instructed to deliver a guarantee to Sharif Hussein bin Ali — Emir of Mecca and father of the founding King of Jordan Abdullah I — that Muslim Holy Sites shall be considered a Muslim concern alone and shall not be subjected directly or indirectly to any non-Muslim authority.

Since 1922, the Hashemites have undertaken three major restoration projects of the Holy Sites in Jerusalem and since 1948 Jordan has continuously maintained the Awqaf

Administration in the Old City. The First Hashemite restoration of the Dome of the Rock and the Al-Aqsa Mosque took place during the period of 1922–1924, under the auspices of Sharif Hussein and in cooperation with the Supreme Muslim Council. This exceptional historic role continued during the periods of the "British Mandate", the period of Jordanian rule over East Jerusalem (1948–1967) and even after the Israeli occupation of East Jerusalem (1967–present).

Sharif Hussein bin Ali donated 24,000 golden lira to the first renovations of Al-Aqsa Mosque and requested to be buried there before his passing. Throughout Jordan's custodianship over Jerusalem, Prime Ministerial meetings were held in the Old City and the state of Jordan spent more funds on Jerusalem than its own capital of Amman from the years 1948 to 1967.[41]

The 1988 Severance of Legal and Administrative ties between Jordan and the West Bank explicitly excluded East Jerusalem and the Muslim Holy Sites therein from the Jordanian disengagement decision. Jordan aimed to ensure that while political negotiations were ongoing between the PLO and Israel, no vacuum or 'protection gap' would result or allow Israel to alter the religious character and status of East Jerusalem as an *Occupied City*. In other words, Jordan retains legal and administrative control of the Islamic Holy Sites in East Jerusalem, in particular the Al-Aqsa Mosque Compound with the King of Jordan as its Custodian. Jordan announced Jerusalem as its spiritual capital, but avoided making it its political center because, like Mecca and Medina, most of the Ancient City is Islamic Waqf property. The status of '*Waqf*' necessitates that the property remain a universal trust and as such no state or ruling family can claim ownership of it. The Jordanian role is further

reiterated in both the Washington Declaration of 1993 and the Jordan-Israel Peace Treaty of 1994 which states in article 9:

> Israel respects the present special role of the Royal Hashemite Kingdom of Jordan in Muslim Holy shrines in Jerusalem. When negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines. [42]

His Majesty King Abdullah II, as the Hashemite Custodian of Holy Sites in the Sacred City, continues to personally support the upkeep, renovation and maintenance of the Holy Sites. Additionally, the Royal Jordanian Hashemite family has spent over one billion U.S. dollars from 1921-2010 towards maintaining the Awqaf Administration and its more than 600 employees, guards, Shari'ah Courts and orphanages in East Jerusalem.

CONCLUSION

> *No more the sound of weeping? I shall rejoice in Jerusalem, and be glad in my people: No more shall be heard the sound of weeping and the cry of distress* (Isaiah, 65:19)

The present-day Israeli narrative seeks to justify the ethnic domination of Jews in the Holy Land by making the claim that the earlier 400-year connection of Jews to Jerusalem (and the later 100-year connection) gives Israel sovereignty over it. However, Jerusalem was founded by the Arab tribe of the Jebusites 2000 years before the arrival and brief rule of the Hebrews. In fact, many different nations and peoples have lived and ruled in Jerusalem, but for more than 1200 years of the last 1400 years since 638 CE, Jerusalem has been a predominately Arab and Islamic city. Moreover, in the 5000 years since Arabs founded the city, they have maintained a constant presence there (as Muslims or pre-Islam) and have ruled it for at least 3200 of the 5000 years of recorded history, compared with only about 500 years of Hebrew and Jewish rule.

During the more than 1200 years (638–1967 CE) that the Holy City was in Muslim hands, Christian pilgrims visited the city, Jewish communities gathered there and splendid sacred structures were built. Religious historian Karen Armstrong cites Muslim rule over Jerusalem as "the most humane" of all those who ruled in Jerusalem:

> Under Muslim rule, the three religions were able to coexist in harmony. The Qur'an is a pluralistic scripture. It affirms the validity of all the people of the Book, and that was reflected in Muslim policy. When Caliph Omar conquered

> the city 638 CE, he protected the holy places of the Christians. Under the rule of the Byzantine Christians, Jews had been denied permanent residence in the city, but Omar allowed them to come back. In fact, an Islamic conquest of Jerusalem was always good news for the Jews, and this makes the present conflict particularly poignant.[43]

Thus, Muslim rule was more tolerant of Christians and Jews than under the rule of either of the other religions. Equally, Muslim rule in Jerusalem was more tolerant and accepting of Jewish rule, than Jewish control has been of Muslims since 1967. Moreover, when Muslims took over Jerusalem they did not carry out — or even attempt to carry out — ethnic cleansing of other peoples, unlike the Crusaders; the Emperor Heraklius; the Hebrews when they took Jerusalem from the Jebusites; the Babylonians and others. In short, contrary to the image that Muslims are portrayed in today, Muslims have behaved *in general* over the course of history far better, with far more tolerance, acceptance and compassion, than all other peoples who have ruled Jerusalem.

We have seen also that whilst Jerusalem is unutterably holy to Jews, it is also so to Christians and Muslims. Jews have one holy city: Jerusalem; Christians have Jerusalem and possibly also Rome; Muslims have Mecca, Medina and Jerusalem, but there are 100 Muslims in the world for every Jew, and 150 Christians for every Jew. By this logic, surely every 33 Muslims and every 75 Christians have as much right to Jerusalem as every Jew.

Over the last 43 years since Israel's military occupation of Jerusalem (1967-2010 CE), Arab Muslims and Christians in the

annexed city have effectively suffered non-stop ethnic-cleansing policies aimed at expelling them from Jerusalem through forced evictions; bullying; harassment; intimidation; Israeli-imposed building and residency restrictions; the denial of access to the city and its Holy Sites[44]; unfair taxation;[45] the seizing of land;[46] the demolition of houses (under the pretext that they are somehow 'illegal' when the whole occupation is what is illegal);[47] the confiscation of ID cards (thus, the effective denial of residency rights)[48]; the destruction of Holy Sites; the closing down of educational, juridical, civil, medical, and administrative institutions; denial of work opportunities and basic welfare services, and countless other stratagems. Jews from Russia and all other parts world are brought in *en masse* and paid to come and take the land of the indigenous Christian Arabs and Muslims and then proclaim that the land is theirs by historical right. Israel continues to excavate in every direction under and around *Al-Haram Al-Sharif* with blatant disregard to International Law and the religious importance of the *Al-Haram Al-Sharif* for the Arabs and Muslims, and despite the fact Israel is legally bound in its occupation — by UN Security Council Resolutions, International Humanitarian Law including; the Four Geneva Conventions, and the 1954 Le Hague Convention — to protect and not to undermine these Muslim Holy Sites. Israel ostensibly does all of this in the quest for evidence of Solomon's Temple, although sources in the Israeli Antiquities Authority reportedly admit that no discoveries tracing back to the Temple have ever been found. Even the sanctity of Christian religious sites belonging to the ancient Orthodox Patriarchate of Jerusalem are routinely infringed upon on by instructions from the Jerusalem Municipal Authority and the Israeli Antiquities Authority. Indeed, living

conditions under occupation have led the Christian community in Jerusalem to immigrate en masse so that today (in 2010) less than 14,000 Arab Christians remain in the East Jerusalem (less than 3% of the population). Similarly, due to these conditions, the Muslim Arab segment of the population has shrunk from an estimated 90% of the population (66,000 people) of the East Jerusalem area (as it is defined today- not of the 6.4 km^2 marking the Jordanian Municipal boundary of East Jerusalem in 1967 in which there were only 44,000 people [49]) in 1967, to 54% (229,004 people) of the population in 2006. During the same time, the Jewish population has mushroomed from less than 0.5% of the population (200 people, out of a total of 66,000) in 1967 to 43% (181,457 people) out of the total population of 424,089 in 2006 [50]. In short, over the last 43 years (1967-2010), Israel has forcibly and systematically reduced the Arab population of East Jerusalem from 100% to 50%.

This situation — and indeed the plight of the Palestinian people in general — is the chief complaint of the Islamic World against the West (because of its ally, Israel), and this status quo cannot remain. It will not remain not merely because it is unjust, but because in the end the weight of numbers of the world's Muslims (who make up almost a quarter of the world's population) will do something about it. They will do something about it, because, as we have seen, their religion requires them to do something about it. In fact, 43 years of Israeli occupation and 43 years of Palestinian languishing, have only increased Muslim awareness of, and longing for, Jerusalem. This explains why the Israeli occupation of Jerusalem and Palestine is the greatest threat to World Peace today.

However, rather than being the focal point for war, Jerusalem

could be an open city for the three monotheistic religions; a city that is '*mubarak*' ('blessed') and that fosters and promotes peace, dialogue and coexistence; a city that is the key to peace and interfaith harmony for over 55% of the world's population. This cannot happen, however, without a just and equitable solution for Arabs and Israelis; Muslims, Christians and Jews. But only a solution which grants Israelis and Palestinians each their own viable, contiguous and secure states with shared sovereignty over Jerusalem and the sole authority over their own Holy Sites is just and fair. Only a solution which grants Israelis and Palestinians each their own viable, contiguous and secure states; shared sovereignty over Jerusalem and the sole authority over their own Holy Sites are legal. Only a solution which grants Israelis and Palestinians each their own viable, contiguous and secure states; shared sovereignty over Jerusalem and the sole authority over their own Holy Sites can lead to peace.

NOTES

1. Armstrong, Karen; *Jerusalem One City, Three Faiths* (Random House, New York, (2005) p. 216.
2. One such figure from the Kanaan family is the famous Tawfik Kanaan, the author of more than 37 studies on tropical medicine and bacteriology. He is also noted for his contributions to the research that led to a cure for leprosy. Kanaan also wrote seminal works on the native heritage and folklore of Palestine. See: Nashef, Khaled; *Tawfik Kanaan: His Life and Works* (PDF). (Jerusalem Quarterly, November, 2002), retrieved 2010-05-17.
3. Ibid., Nashef, p.5, where he notes that Gustaf Dalman, who headed "The Evangelical German Institute" in 1903, influenced Tawfik Kanaan with his idea that it is not possible to understand the Old Testament without studying Palestinian history. Also see: Kimmirling, Baruch and Migdal, Joel; *The Palestinian People: a History* (Harvard University Press, 2003) and Ben-Sasson, Hayim; *A History of the Jewish People.* Harvard University Press, 1985.
4. Finkelstein, Israel and Mazar, Amihai; *The Quest for the Historical Israel* (Atlanta: Society of Biblical Literature, 2007).
5. Said, Edward; *The Question of Palestine* (New York: Vintage Books, 1992).
6. Tibawi, Abdul Latif; *Jerusalem: Its Place in Islam and Arab History* (The Institute for Palestine Studies, Beirut, 1969). Jerusalem was called Aelia after Roman Emperor Hadrian who visited the city in 130 CE and was interested in founding a new Roman colony: Aelia Capitolina (324-135 C.E.), so called after the Emperor's family name (Aelius) and the Capitoline Jupiter; the principal deity of the Roman Pantheon.
7. Where 'western wall' is seen in lowercase it refers to the length of the wall of *Al-Haram Al-Sharif* on the western side; where it is capitalized it refers to the section of the western wall where Jews pray.
8. See Benvenisti, Meron; *The Crusaders in the Holy Land,*

(Jerusalem, 1970)

9. See Geoffrey Hindley: *Saladin — Hero of Islam*, (Pen and Sword, 2010)
10. Harman, Graham; *The Mufti and the Wailing Wall, A History of Palestine* (Princeton University Press, 2008).
11. Technical Mission Report on Excavation Works Performed in the Vicinity of *Al-Haram Al-Sharif* in Jerusalem; (June 2007). The report was based on a Turkish mission investigation in cooperation with Jordanian, Israeli and Palestinian experts and officials.
12. Laws of Palestine (Jerusalem: Palestine Government Printer, 193 I), p. 285.
13. New York Times, 13 April, 1948 in Nathan Krystal 1999: 139.
14. McCarthy, Justin; *The Population of Palestine: Population History and Statistics of the Late Ottoman Period and the Mandate* (New York: Columbia University Press, 1990). Also see Ilan Pappé; *The Ethnic Cleansing of Palestine* (Oneworld Publishing, 2007) and Morris, Benny; The Birth of the Palestinian Refugee Problem Revisited (Cambridge: University Press, 2004)
15. Morris, Benny; *Revisiting the Palestinian Exodus of 1948, In The War for Palestine: Rewriting the History of 1948* (Cambridge: University Press, 2001).
16. B'Tselem, The Israeli Information Center for Human Rights in The Occupied Territories (http://www.btse-lem.org/English/Statistics/Total_Casualties.asp) Dec 1987-May 2003 (cross-ethnic killings only), retrieved 2010-05-18.
17. Al-Zaben, Sari Adnan; *Jerusalem in the Eyes of the Hashemites*, (1993) (in Arabic) pp 22-23 and Najem, Ra'ef; *The Hashemite Reconstruction in Jerusalem*, (Dar Al-Bayraq, 1994) p. 26-27.
18. His Majesty King Abdullah I; *As the Arabs see the Jews*, in The American Magazine, November, 1947; http://www.kinghussein.gov.jo/kabd_eng.html, retrieved 2010-05-18.
19. Ibid., Armstrong, p.378.
20. Some Israeli institutions still use the Jordanian Law until this

day in the municipality of the Ma'aleh Adumim settlement. This is done to pay the Arab workers on pre-1967 Jordanian terms in order to evade payment of the workers' rights on Israeli labor terms. Please see "Palestinians in Ma'aleh Adumim employed by Israel but on Jordanian terms" in *Haaretz Newspaper*, October 2009.

21. Haaretz, 4 April, 1969, Address to the Technion, Haifa.
22. Morris, Benny, *Righteous Victims: A History of the Zionist-Arab Conflict* (Vintage Books, New York, 2001).
23. Dumper, Michael; *The Politics of Sacred Space: the Old City of Jerusalem in the Middle East Conflict*; Lynne Rienner Publishers, 2002.
24. Also see the former Jerusalem Mayor Rawhi El-Khatib's speech; Judaization of Jerusalem, Internationalization of Jerusalem, at the Seminar on Jerusalem in Tokyo, 1st - 3rd of December, 1980 (Al-Tawfiq Press, Amman, Jordan).
25. From an address Israel Prime Minister Yitzhak Rabin gave to the Knesset in May 1995. For Third Temple aspirations, see Mazar, Eilat; Final Report, the Temple Mount Excavations in Jerusalem, 1968-1978, Directed by Benjamin Mazar, Vol. I: The Byzantine and Early Islamic Periods (Qedem 43), Jerusalem, 2003 and Bahat, Dan; The Western Wall Tunnels: Touching the Stones of Our Heritage, Jerusalem, 2002.
26. Rosen, Rabbi David, *The Spiritual Significance of Jerusalem in Judaism*, No Date, http://www.rabbidavidros-en.net/articles.htm, retrieved: 2010-05-22.
27. For Zionism and its diversion from traditional Jewish narrative see "Zion?" in Armstrong, Karen, Jerusalem *One City, Three Faiths*. Also refer to the mission statement of the International Jewish Anti-Zionist Network (http://www.ijsn.net/home/). For Israel's "capital-dogma" see Cohen, Rabbin; *Le Talmud* (Ed.Payot, Paris, 1986) p.104.
28. Walker, Peter: *Jesus and the Holy City* (Grand Rapids, Eerdmans, 1996) p. 320.
29. Read a lecture by Rev. Awad, Alex, Palestinian Christians in the Shadow of Christian Zionism, http://www.christatthecheckpoint.com/lecturespercent20files/

ent20ofpercent20Christianpercent20Zionism.pdf, retrieved: 2010-05-22. Ibid., Armstrong, p.224

30. See Walid Khalidi's introduction to *Palestine under the Muslims;* Khayat Reprint; Beirut, 1965; and Schleifer, Abdallah, '*The virtues of Jerusalem*', *Islamica*, April 1998. The most detailed discussion of this literature and significant Muslim scholarship devoted to it appears in Elad, Amikam, *Medieval Jerusalem and Islamic Worship: Holy Places, Ceremonies and Pilgrimages*; E,.J. Brill, Leiden, 1995.
31. The Jerusalem Powder Keg, Middle East Report No. 44, 2 August 2005, from http://www.crisisgroup.org/home/index.cfm?id=3588.
32. United Nations Security Council; Resolution 478, 30 June, 1980.
33. UN Resolution 194.
34. UN Resolution 242
35. UN Resolution 252.
36. UN Resolution 252.
37. Technical Mission Report on Excavation Works Performed in the Vicinity of *Al-Haram Al-Sharif* in Jerusalem.
38. The April 2009 UNESCO Executive Board Decision in Paris and the June 2009 World Heritage Committee Resolutions in Seville on the Magharbeh Gate Pathway address Jordanian concerns; they clearly outline that "Jordanian experts were in fact impeded from having access to the Magharbeh Site" and further referenced such impediment to the sixth monitoring report of February 2009 which exclusively outlines Jordan's letters to UNESCO that underscore Israel's sole responsibility in denying access to Jordanian experts.
39. Abu Jaber, Ra'uf; *Christian Existence in Jerusalem during the 19th and 20th Centuries* (Center for Arab Unity Studies, Beirut, 2004) (in Arabic).
40. BBC News, Holy Land Christians Decline, 15 Dec 2005, http://news.bbc.co.uk/2/hi/middle_east/4514254.stm, retrieved 2010-30-05.
41. See Najem, Ra'ef (1994) *The Hashemite Reconstruction in Jerusalem*, Dar Al-Bayraq, p. 26-27. In 1922 Sharif Hussein

contributed 24,000 Golden Ottoman Lira to the restoration of the Holy Sites in Jerusalem and he took personal interest in its administration. This first Hashemite restoration was completed in 1924. Sharif Hussein's tomb is located in the western chambers of the Al-Aqsa Mosque.

42. Treaty of Peace between Jordan and Israel, October 1994, http://www.kinghussein.gov.jo/peacetreaty.html.
43. Armstrong, *Jerusalem: One City, Three Faiths, Readers Guide: An Interview with Karen Armstrong*.
44. B'Tselem, Legal Status of East Jerusalem and its Residents, http://www.btselem.org/English/Jerusalem/Legal Status.asp, retrieved 2010-06-27.
45. Ibid., B'Tselem.
46. Ibid., B'Tselem.
47. Ibid., B'Tselem.
48. Ibid., B'Tselem.
49. Written statement to the UN by Habitat International Coalition, an NGO on the UN Roster, 1993.
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ANNEX I:
THE TUNNELS

Examples of documented tunnels and excavations under and around *Al-Haram Al-Sharif*:

1. Southern Wall of Marwani Mosque (1967–1968): (70m long, 14m deep; tunneling and excavation attempt at the southeastern wall of *Al-Haram Al-Sharif*). The main goal of this attempt was to open an entrance to the underground Marwani Mosque inside Al-Haram Al- Sharif. This was the first case of Israeli digging under the southeastern wall of *Al-Haram Al-Sharif*. It started in 1967 and continued through 1968–1969. These excavations are reported as the main cause of the 2002 bulge in the southeastern wall of *Al-Haram Al-Sharif* and increase the danger of the wall collapsing. Excavations and archaeological incursions at the site are reported regularly.

2. Southern Corner of the Buraq Wall / Western Wall of *Al-Haram Al-Sharif* (1967–1969): (80m long). The excavations are to the north and all the way to the Magharbeh Gate Pathway. The tunnels go under Al-Zawiyeh Al-Fakhriyeh and 14 other historical Islamic buildings. The tunneling has caused cracks in all the aforementioned buildings. Israeli Jerusalem Municipality engineers declared them dilapidated and consequently bulldozed them on June 14, 1969, leading their Arab residents to leave the Holy City.

3. Western Wall Tunnels and Excavations (1970-present): (320m long; beneath *Al-Haram Al-Sharif* and the Muslim Quarter). The tunnel starts under the Muslim Shari'ah Court building which was occupied by Israel who then converted part of it into a synagogue. The tunnel goes north and passes under six main gates of *Al-Haram Al-Sharif* and over highly significant Islamic archaeological buildings. This massive tunnel has many extensions which encompass other tunnels and underground rooms. The tunnel was opened to the public in 1994. Its main exit, which was opened in 1996 and is through the Via Dolorosa, enables thousands of additional tourists to access the tunnels and hear the Jewish narrative of the "Third Temple" by mostly extremist tour guides. Many collapses and three massacres at *Al-Haram Al-Sharif* (e.g. the 1996 Netanyahu Tunnel riots left more than 75 Palestinians killed) have occurred because of the extensions of this tunnel and its offensive results.

4. Tunnel under Mihrab (Pulpit) of Al-Aqsa (1970–1974): (20m deep, located under the southern wall of Al-Aqsa Mosque, reaching under the mosque's Mihrab). Jews call it the "Double Gate" or the "Hulda Gate" Tunnel. To avoid an uprising, Israel closed the tunnel and blocked it with stones and earth after the Awqaf Administration discovered it.

5. Tunneling and Excavations under the Mosque of Omar (1971–1974): The tunneling and excavations under the southeastern Wall of the Al-Aqsa Mosque were exposed in 1974. It is believed that the tunneling created possible access to cisterns and underground chambers.

6. Tunneling and Excavations of the Triple Gate (1970–undetermined): opened to enable Jewish access to the Lower Aqsa, also known as the Ancient Aqsa, through the southern wall of *Al-Haram Al-Sharif*.

7. Tunnel of the Golden Gate (1975–undetermined): This is the only gate in the eastern wall of *Al-Haram Al-Sharif* and has been closed for centuries. Excavations started in 1975 and continued for many years with some interrupted intervals. The tunnel starts in the Islamic Al-Rahmah Cemetery and goes beneath the Golden Gate ('*Bab Sitna Mariam*' in Arabic). It is reported that the extremist sponsors of this tunneling aim to use the tunnel to reach the foundations of the Dome of the Rock in order to blow it up. Some extremists believe the Dome of the Rock to be the location of the "Holy of Holies" and hope to build the "Third Temple" in its place.

8. Tunnels under Buraq Wall / Western Wall (1967–1977): (60m long). Israel aims to broaden the Plaza and excavate the so-called Roman or Herodian roads below the Buraq / Western Wall Plaza. Tunnels endanger parts of the Buraq Wall and are said to penetrate the Buraq Wall and continue underneath the *Al-Haram Al-Sharif*. The tunneling and excavations resulted in cracks in the old Shari'ah Court, Khaldiyah Library, Zawiyat Abu-Madyan and more than 35 residential Waqf properties in the vicinity of *Al-Haram Al-Sharif*. Some of these historical structures were occupied by Israeli settlers and Israeli police while other buildings were destroyed.

9. Bab El-Qataneen Tunnel / The Warren Shaft Tunnel (1980–present): (25m deep, 6m wide). This tunnel was partially opened to a few Israelis in 1980 and goes under Bab Al-Silsileh and Bab Al-Qataneen, where it turns towards the Dome of the Rock. The tunnel also became known as the Netanyahu Tunnel after the Israeli authorities opened it to the public in 1996. This incident sparked the "Tunnels Revolt" which resulted in the death of more than 75 Palestinians and 16 Israelis. The tunnel's exit is found on the northern side of *Al-Haram Al-Sharif*, under Al-Omariyyeh School.

10. Bab Al-Ghawanmeh Tunneling and Excavations (1967–present): (70m deep under *Al-Haram Al-Sharif*). This is the most covert of all the excavations and the hardest to gain access to. The Awqaf Administration reports tunneling that is at least 70 meters deep under *Al-Haram Al-Sharif* heading towards the Dome of the Rock.

11. Magharbeh Gate Tunnel (2000–present): (100m long): Also known as the "Hasmonean Tunnel," it starts in the Jewish Quarter and runs 100 meters towards and beneath the Magharbeh Gate before turning left (north) towards the Dome of the Rock.

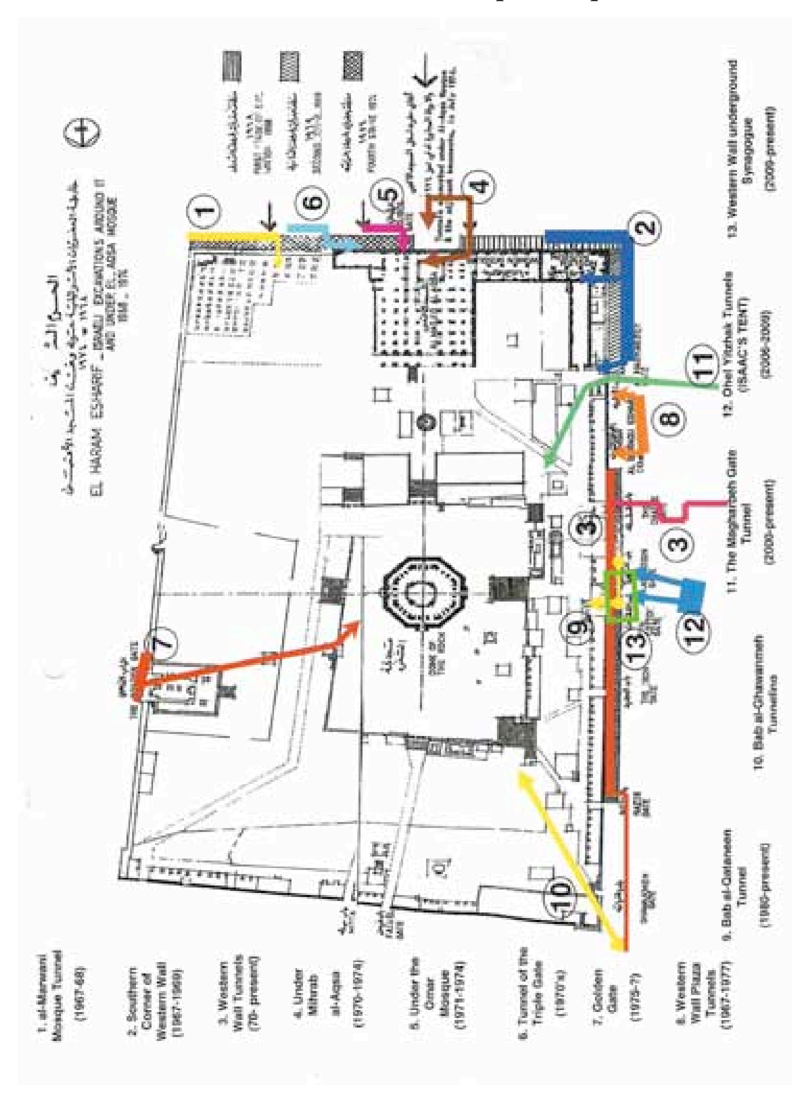
12. Ohel Yitzhak Tunnels (Isaac's Tent) (2006–2009): This is located a mere 100 meters from the Buraq Wall / Western Wall and is slated to pass beneath many houses in the Muslim Quarter. Although some NGO's became aware of a decision to begin excavations, no building plan was officially submitted to the planning authorities. These

tunnels are being carried out almost completely by Jewish extremist groups such as Ateret Cohanim and the Elad Company for Jewish Settlement in the Old City.

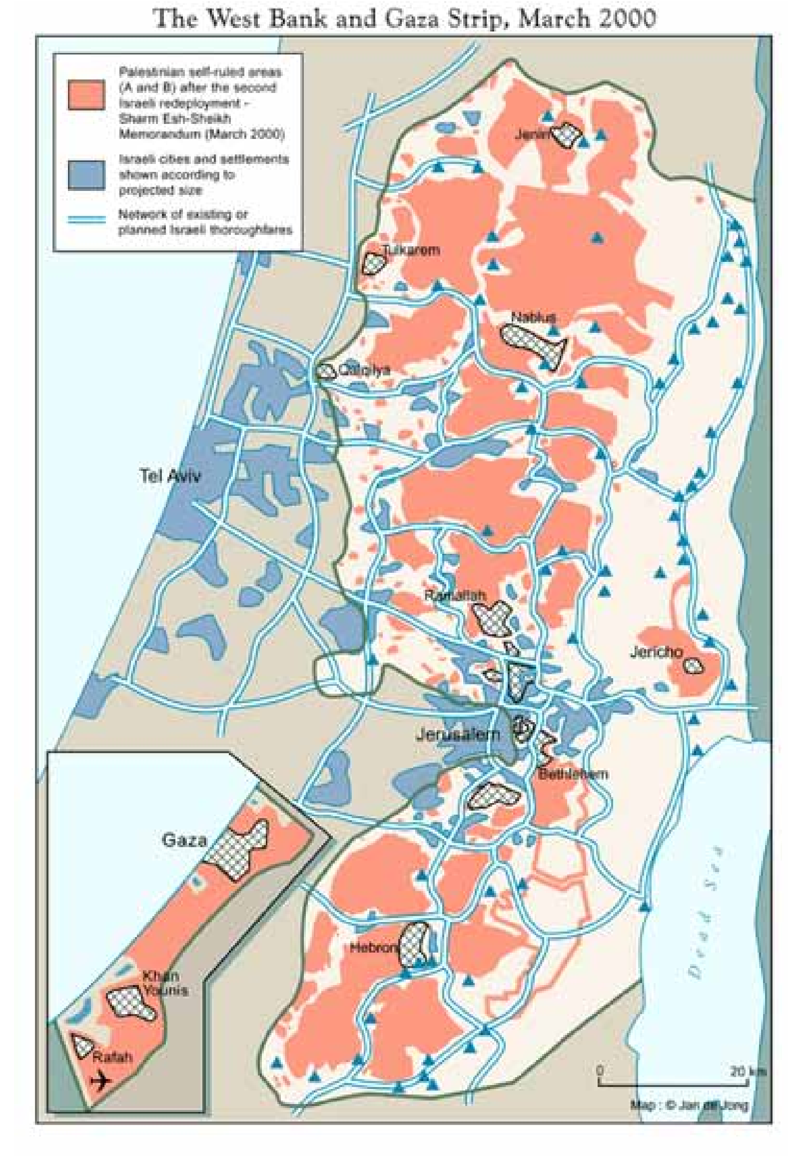
13. Western Wall Underground Synagogue (2009–present): (7m deep; within the Western Wall Tunnels - precisely opposite the Dome of the Rock). Work on this project commenced in 2008. It entails hollowing out columns into which reinforced concrete can be poured. Buildings of different Islamic periods would then be removed in order to build the synagogue at the level of the "Roman road". The project is being financed by Israeli businessman and New York Plaza Hotel owner, Yitzhak Tshuva.

14. Silwan Tunnels and Excavations (1990–present): Settler organizations, such as Elad, in cooperation with the Israeli Antiquities Authority, have been conducting extensive excavations over and under the ground in Silwan, south of *Al-Haram Al-Sharif*. Many reports indicate that the purpose of tunneling in Silwan is to develop an underground network of tunnels, some of which will reach under *Al-Haram Al-Sharif*. Skeletons dating from the Islamic era were discovered in the course of the excavations and were removed from the site without informing the Muslim authorities and have since disappeared. According to the London Times (March 1, 2008), "Jewish settler groups are digging an extensive tunnel network under Muslim areas of Jerusalem's Old City while building a ring of settlements around it to bolster their claim to the disputed city in any future peace deal."

Tunnels under the Al-Aqsa Mosque



ANNEX II: MAPS



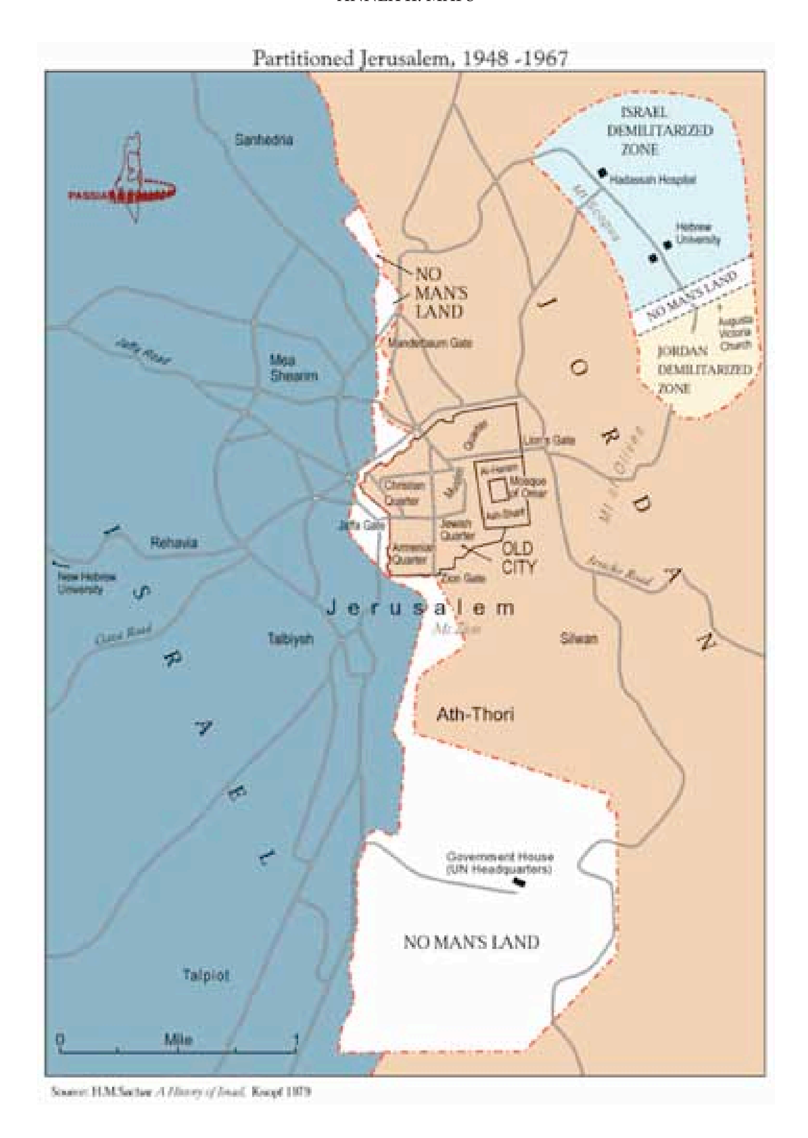
The Old City of Jerusalem

Area expropriated for the reconstitution of an extended Jewish Quarter, 1968

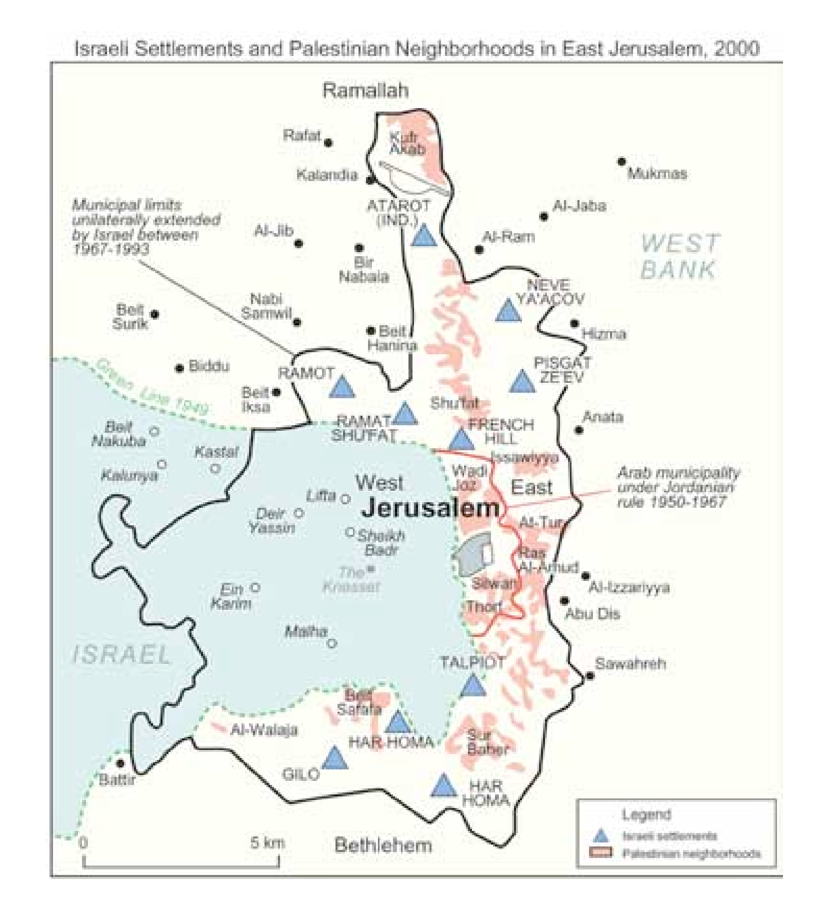
★ Properties taken over by Israeli settlers

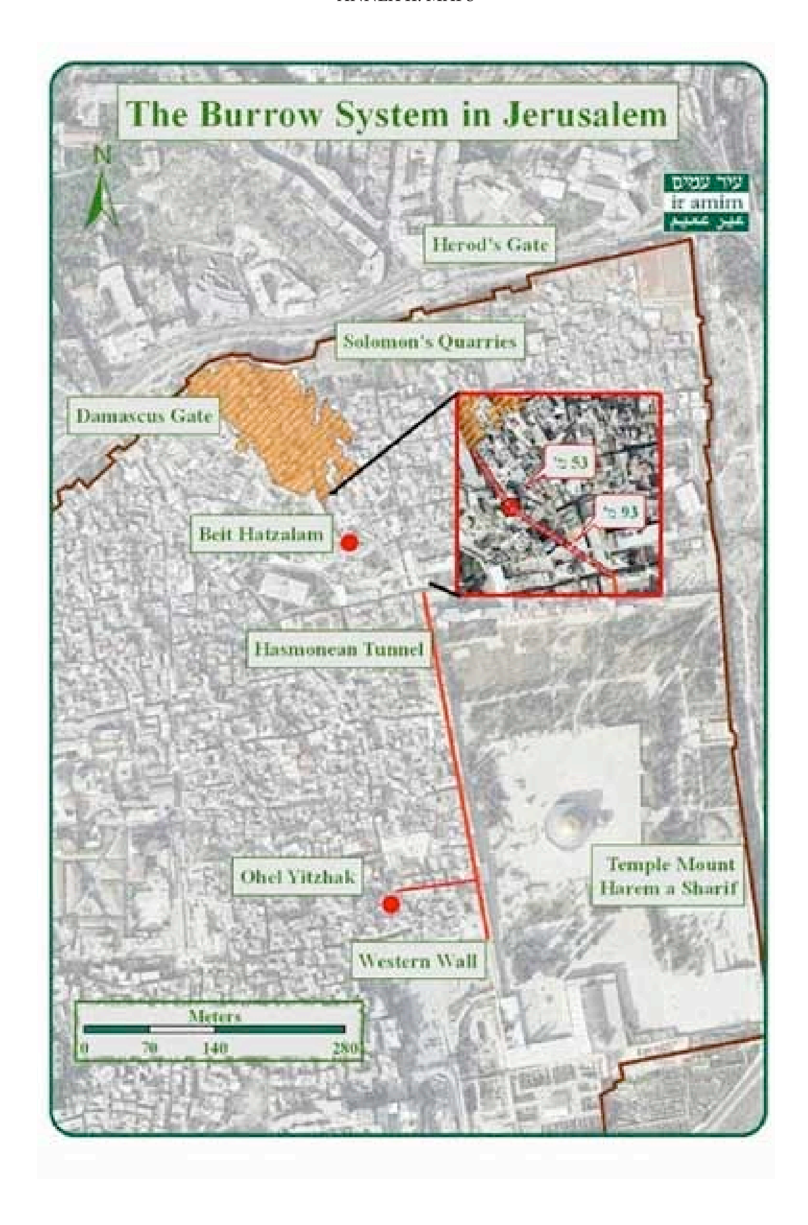
Major religious and public buildings

Map : © Jan de Jong



Source: H.M.Sachar *A History of Israel*, Knopf 1979


Israeli Settlements and Palestinian Neighborhoods in East Jerusalem, 2000
Ramallah
Rafat
Kufr Akab
Kalandia
Mukmas
Municipal limits unilaterally extended by Israel between 1967-1993
ATAROT (IND.)
Al-Jaba
Al-Jib
Al-Ram
WEST BANK
Bir Nabala
NEVE YA'ACOV
Nabi Samwil
Beit Surik
Beit Hanina
Hizma
Biddu
RAMOT
PISGAT ZE'EV
Green Line 1949
Beit Iksa
Shu'fat
RAMAT SHU'FAT
Anata
Beit Nakuba
FRENCH HILL
Kastal
Issawiyya
Kalunya
Wadi Joz
Arab municipality under Jordanian rule 1950-1967
West
East
Lifta
Jerusalem
Deir Yassin
Al-Tur
Sheikh Badr
Ras Al-Amud
The Knesset
Al-Izzariyya
Ein Karim
Silwan
Thori
Abu Dis
Malha
ISRAEL
TALPIOT
Sawahreh
Beit Safafa
Al-Walaja
HAR HOMA
Sur Baher
GILO
Battir
HAR HOMA
0
5 km
Bethlehem
Legend
Israeli settlements
Palestinian neighborhoods


The Burrow System in Jerusalem
N
עיר עמים
ir amim
Herod's Gate
Solomon's Quarries
Damascus Gate
Beit Hatzalam
Hasmonean Tunnel
Ohel Yitzhak
Western Wall
Temple Mount
Harem a Sharif
Meters
0
70
140
280

ANNEX III: THE KHILAFAH ALLEGIANCE TO THE HASHEMITES

(The following is a translation of two extracts from the *Al-Sharq al-Arabi* [Official Paper of the Government of TransJordan], March 13 and March 20, 1924)

Thousands of Arab political and tribal leaders came from Palestine, Syria, Iraq, Lebanon and Jordan to announce their allegiance to Sharif Hussein bin Ali, as the Caliph ('*Khalifah*') of all Muslims after the Turkish state led by Attaturk announced the end of Ottoman Islamic Khilafeh in Istanbul and announced Turkey, as an independent secular state. During March 1924, Sharif Hussein bin Ali received hundreds of allegiance letters from religious leaders and Muftis in India, Pakistan, Egypt and the Peninsula.

On Thursday, *Sha'ban* 5th of 1342 *Hijri*, a Palestinian delegation, which included representatives of all Palestinian cities, visited His Majesty Al-Sharif Hussein bin Ali, the Great *Khalifah*, in his palace in southern Shunah of the Jordan Valley to express their full allegiance to Sharif Hussein, as the only Muslim *Khalifah*. The Palestinian delegation included local leaders, noble characters, judges, muftis, Christian patriarchs, priests, scholars and political leaders, among them were Musa Kathem al-Husseini, Head of the Executive Committee for the Palestinian Arab Conference, *Hajj* Effendi Amin al-Husseini, the Grand Mufti of *Beit al-Maqdis* and Head of the Higher Islamic Council in Jerusalem and His Excellency Ragheb Basha al-Nashashibi, the Mayor of Jerusalem. The announcement of the Palestinian allegiance to Sharif Hussein bin Ali was also

attended by Al-Karmi, the Chief Justice of al-Sharq al-Arabi, Omar al-Kurdi, the Mufti of al-Madinah al-Monawarah in Hijaz, Saeed al-Khatib, Preacher of al-Aqsa Mosque, Saeed al-Husseini, the Mufti of Ghaza, Muhyildin al-Malah, Jaffa Judge and Shiekh Mahmoud al-Lababidi, Head of ‘Ako Nobles.



الشرق العربي

احسان الخلافة

قضيـــة النفوس والمجتمع العربي

وقائع الرحلة الهاشمية العاليـــة

تحرك [illegible] ركاب الخليفة الاعظم [illegible] صاحب السمو الملكي [illegible] وقد برزت العاصمة بحلة قشيبة من الزينة ووصل الموكب العالي الساعة العاشرة عربية [illegible] الوصول [illegible] حفلة البيعة العامة في الجامع الحسيني الكبير.

انباء البيعة المباركة

نشرنا في العدد الماضي نبأ عزم الامة العربية على الاحتفاظ بكرامة الخلافة الاسلامية وفصلنا انباء بيعة الحجاز والشرق العربي بالامامة الكبرى لجلالة الخليفة الاعظم والملك المهيب الحسين بن علي ايده الله وقد نشرنا في صدر هذا العدد منشور الخلافة العظمى وها نحن اولاء ننشر انباء البيعة المباركة في البلدان العربية الاخرى.

بيعة فلسطين

كان يوم الجمعة الماضي الواقع في [illegible] شعبان [illegible] يوما تاريخيا عظيماً في هذه القاطعة العربيـة اذ وفد على جلالة الخليفة الاعظم والملك المهيب في مقر الشونة بالنيابة عن البلاد الفلسطينية جميع رجالاتها من نقباء اشراف وقضاة ومفتين وعلماء وزعماء مع سعادة رئيس اللجنة التنفيذية للمؤتمر الفلسطيني العربي موسى كاظم بك الحسيني وسماحة مفتي بيت المقدس ورئيس المجلس الاسلامي الاعلى الحاج امين افندي الحسيني وسعادة رئيس البلدية راغب بك النشاشيبي وسائر العلماء والاعيان والمذكرين بصحبتهم اصحاب الفضيلة [illegible] وتوابعهم ورؤساء الاديرة لجميع الطوائف المسيحية فجرت مراسم بيعة فلسطين الرسمية بالخلافة العظمى والامامة الكبرى لصاحب الجلالة الهاشمية الحسين بن علي ايده الله في الساعة الثانية عشرة زوالية وبعد ان تمت البيعة المباركة وقف صاحب الاقبال رئيس الديوان الهاشمي العالي السيد احمد السقاف وتلا منشور الخليفة الاعظم الذي نشرت نصه في صدر هذا العـدد على الجموع المحتشدة فتوبل بالدعاء الهاتف ثم تقدم فضيلة الشيخ يونس الخطيب وتلا دعاء حاراً بين يدي جلالة الخليفة الاعظم واثنى على الرب سماحة قاضي قضاة الشرق العربي الاستاذ الكبير قصيدة غراء وتبعه الشيخ عمر الكردي مفتي المدينة المنورة [illegible] ثم تقدم من الخطباء اصحاب الفضيلة الشيخ سعيد الخطيب خطيب المسجد الاقصى ومفتي غزة الشيخ سعيد الحسيني وقاضي يافا الشيخ صبحي [illegible] ونقيب اشراف عكا الشيخ محمود الشايدي والسيد محمود [illegible] الخطباء والشعراء في تصوير العواطف الاسلامية والحقائق المحمدية وقـد امتد الاحتفال زهاء ساعة ونصف ثم دخلت الوفود للسلام على جلالة الخليفة الاعظم في الصيوان الملكي فقابلهم ايده الله قبولاً حسناً وفاه بكلمات حكيمة دلت على عزم جلالته على مواصلة الجهاد المشروع في سبيل تحقيق الاماني القومية وتأييد التعاليم الاسلامية المقدسة ثم خرج ايده الله بموكبه المهيب فاستعرض فرقة الخيالة العربية وكانت الموسيقى العسكرية تصدح بالانغام الحماسية الشجية وقد تناول الوافدون بعد ذلك طعام الغداء على المائدة السنية وظلت مظاهر السرور بالبيعة المباركة عامة شاملة حتى اذا اقبل المساء عادت الوفود بعد السلام والاستئذان الى فلسطين تحمل الى العالم كله بشائر هذه الخلافة القرشية

بيعة سوريا

توافد المسلمون على الجامع الاموي الكبير في دمشق يوم الجمعة الواقع [illegible] وعددهم يربو على الاربعين [illegible] ملأوا المسجد وباحة الجامع كما غصت جوامع المدينة ومساجدها [illegible] على مبايعة صاحب الجلالة الهاشمية بالخلافة قياماً بواجب الدين وسعياً [illegible] الذي قد يشأ من التلكؤ في اعلان الخلافة العربية من [illegible] ووحدة المسلمين وقد القى فضيلة الاستاذ الجليل الشيخ عبد القادر الخطيب خطيب الجامع الاموي خطاباً [illegible] البيعة المباركة [illegible] البيعة على كتاب الله وسنة رسوله فرددت الجماهير المحتشدة [illegible] مشرقة الوجوه مبتهجة القلوب [illegible] بايعنا الحسين بن علي على كتاب الله وسنة رسوله وضج الحرم [illegible] المسلمين يبتهلون الى الله [illegible] وتأييده ونصره وتوفيقه لخدمة العرب عامة واعانته على الخروج بهم من حاضرهم هذا وجاشت العواطف في النفوس فارسلتها دموعاً حارة وهم مازالوا يدعون الله ويسألونه حماية الدين الاسلامي ويرددون قوله تعالى انا نحن نزلنا الذكر وانا له لحافظون.

وبعد انتهاء الصلاة والقيام بفريضة الجمعة صعد فضيلة الاستاذ الشيخ عبد القادر الخطيب دار البرق وابرق الى جلالة الخليفة البرقية الآتية

عمان — جلالة خليفة المسلمين المفدى الاعظم الحسين الاول

بايعنا جلالتكم على السمع والطاعة [illegible] وسنة رسوله ما استطعت واعلنت بيعتكم الشرعية على منبر الجامع الاموي الكبير بحضور آلاف المسلمين فحمل الندا ببيعتكم بالخلافة فنشكر الله تعالى على رجوع الحق لاهله جعلكم الله حصناً منيعاً لصيانة الاسلام

وقد نشرت صحف دمشق ما بعثه افاضل دمشق وادباؤها وعلماؤها وتجارها من برقيات التهاني بالبيعة المباركة وهذه احدى تلك البرقيات:

عمان — امير المؤمنين وخليفة المسلمين الحسين بن علي نصره الله.

نحيي جلالتكم بتحية الخلافة ونبايعكم البيعة الشرعية على السمع والطاعة عاقدين على ناصيتكم الغراء الآمال بعزة الاسلام ومجد العرب

ويلي ذلك الامضاوات

وقد تبع دمشق مدن حمص وحماه وحلب ووردت رسائل البيعة من معظم المدن الساحلية فكان هذا الاجماع الاسلامي [illegible] في جميع الامصار.

ضاق نطاق هذا العدد عن برقيات التهاني بالبيعة المباركة وهي لا تزال ترد يومياً بالمئات

An Unpublished Letter Acknowledging the Caliphate of Emir Hussein by the people of Palestine

This letter (date: 1924) is from *Hajj* Amin al-Husseini, the Head of the Higher Islamic Council in Jerusalem to His Royal Highness *Emir* Abdullah. *Hajj* Amin, on behalf of the Higher Islamic Council and the Committee for the Restoration of *al-Haram al-Sharif*, requests that the entire restoration of *al-Haram al-Sharif* be headed by HRH Emir Abdullah, the *Emir* of Trans-Jordan, under the Sponsorship of His Majesty *Emir al-Mu'mineen*, Sharif Hussein bin Ali. *Hajj* Amin asks HRH *Emir* Abdullah to supervise all accounts and expenses of the restoration process on a regular basis. *Hajj* Amin promises that he will start sending a monthly report about the expenses of the restoration work at *al-Haram* to HRH *Emir* Abdullah.

Note: It is important to note that *Hajj* **Amin al-Husseini entitles Sharif Hussein bin Ali, as "Emir al-Mu'mineen", meaning the "***Khalifah* **of all Muslims".**

2



EXECUTIVE SUMMARY OF KEYS TO JERUSALEM

Historical:

- The original inhabitants of Palestine and the founders of Jerusalem were the native Arab Jebusites and they ruled there for 2,000 years [3,000-1000BCE] before they were conquered. Their descendants still live in Palestine.
- Jews [approx. 500 years], Christians [approx. 400 years] and Muslims [approx.1200 years] have since all ruled Jerusalem, as have various other religions [approx.900 years].
- The World Zionist Organization was formed in 1897 and encouraged Jewish immigration to Palestine, which then had a Jewish population of 24,000 — less than 5% of the total population.
- Israel occupied Jerusalem in 1967 and has been creating illegal settlements since then.
- Muslim rule of Jerusalem has historically been more tolerant and just to other ethnic/religious groups than that of non-Muslim rule.
- Jerusalem is 5000 years old as a city or a town; 3200 years of that history were under Arab or Muslim rule (or both).

Religious:

- Jerusalem is significant for Jews because Solomon built the first Temple there. The Second Temple was built on the same site.
- Jerusalem is significant for Christians because Jesus Christ lived and died there.
- Jerusalem is significant for Muslims because: (i) it is described as 'Blessed' in the Qur'an; (ii) the Al-Aqsa Mosque is mentioned in the Qur'an; (iii) the Dome of the Rock is where the Prophet Muhammad ascended to heaven; (iv) it is the direction to which Muslims first faced during prayer; and (v) it is associated with many of God's prophets, and (vi) it is associated with the Last Day.

Legal:

- According to International Law and the United Nations Resolutions, East Jerusalem is still occupied territory.
- The goal of Zionist settlers is to rebuild the Temple on the site of the Al-Aqsa Mosque, which is being weakened by Israeli excavations and illegal tunneling under the mosque.
- Under Islamic Law, it is the duty of all Muslims in the world to defend the *Al-Haram Al-Sharif* (the compound containing Al-Aqsa Mosque, and the Dome of the Rock and the whole 'Blessed Compound').


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